



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Szlam et al.
Serial No. : 09/437,414
Filed : November 10, 1999
For : Dynamic and Interdependent Processing
of Inbound and Outbound Communications
Attorney's Docket : CONCERTO-500AX
Examiner : Ovidio Escalante
Group Art Unit : 2614

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450 on

11/17/06

By

Andrew R. Martin, Esquire
Registration No. 45,413
Attorney for Applicant(s)

PETITION TO ACCEPT OATH AND DECLARATION ON BEHALF
OF AN UNAVAILABLE INVENTORS UNDER 37 CFR 1.47

Mail Stop AF
Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir or Madam:

Pursuant to 37 CFR 1.47, the co-inventors in the above identified application submit an Oath and Declaration made on behalf of Aleksander Szlam and James W. Crooks and signed by all other co-inventors. The co-inventors certify upon information and belief that all facts contained within the Oath and Declaration are correct.

Enclosed please find a Declaration in Support of this Petition signed by Andrew R. Martin, stating the facts offered to

11/20/2006 RFEKADU1 00000062 09437414

130.00 DP

01 FC:1464

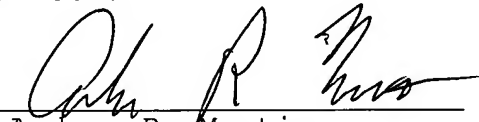
prove the unavailability of James W. Crooks and Aleksander Szlam's refusal to sign the Oath and Declaration.

Accordingly, the Applicants hereby Petition the Commissioner to accept the enclosed Oath and Declaration made on behalf of Aleksander Szlam and James W. Crooks by the co-inventors of the instant patent application in lieu of an originally signed Oath and Declaration. The Petition fee of \$130.00 is enclosed. If additional fees are required and not enclosed, the Commissioner is authorized to charge deposit account No. 02-3285 for the additional fees.

Respectfully submitted,

Szlam et al.

By



Andrew R. Martin
Registration No. 45,413
Attorney for Applicant(s)

Bourque & Associates, P.A.
835 Hanover Street, Suite 301
Manchester, New Hampshire 03104

Telephone: (603) 623-5111
Facsimile: (603) 624-1432

Date: 11/17/06



PATENT

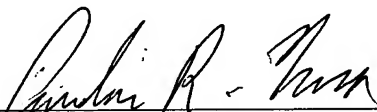
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Kniepp et al.
Serial No. : 11/347,792
Filed : February 3, 2006
For : System and Method for Redirecting a
Telecommunicating Party to an Information
Source Over a Computer Network
Attorney's Docket : DAVOX-181XX

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450 on

11/17/06

By


Andrew R. Martin, Esquire
Registration No. 45,413
Attorney for Applicant(s)

DECLARATION IN SUPPORT OF PETITION PURSUANT TO 37 CFR 1.47

I, Andrew R. Martin, declare that:

1. I am Andrew R. Martin of 196 Gardners Grove Rd., Belmont, NH 03220, outside patent counsel for Aspect Software, Inc. (formerly Concerto Software Inc. formerly Inventions Inc.).
2. James W. Crooks, Jr. was an employee of Inventions Inc., as of February 9, 2004 when Concerto Software Inc. acquired Inventions Inc.
4. James W. Crooks, Jr.'s residence / whereabouts at the present time is unknown. Good faith attempts were made to contact the inventor both by email and by U. S. Postal Service regular mail.

5. I researched company records and identified 1773 Poinsetta Dr., Marietta, GA 30062 as the last known address for James W. Crooks, Jr.

6. I research the Internet and identified all possible James W. Crooks, Jr.'s as evidenced in Exhibit A. All of the possible James W. Crooks of Exhibit A were contacted by phone and identified as not the James W. Crooks, Jr.'s listed as the prior employee and inventor to the application.

7. A copy of the application as filed and an oath and declaration was sent to James W. Crooks, Jr.'s last known residential address at 1773 Poinsetta Dr., Marietta, GA 30062. The correspondence was return to sender as evidenced by a copy of the returned envelope and enclosed contents in Exhibit B.

8. The instant patent application was prepared and filed after James W. Crooks, Jr.'s last date of employment.

The undersigned, Andrew R. Martin, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the subject application or any patent resulting therefrom, declares that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true.

11/17/00
Date

Andrew R. Martin
Andrew R. Martin, Esq.
Reg. No. 45,413



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More information for:

JAMES W CROOKS

5167 Via Calderon
Camarillo, CA 93012-6738
(805) 484-4769
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Local Time: 12:23 p.m.
Pacific Daylight Time

Phone Details

Line Type: Land Line
Provider: Verizon

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Further Information on James Crooks!

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Exhibit A

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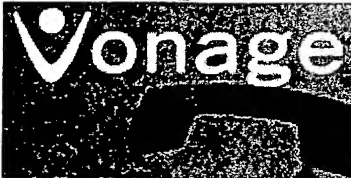
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More information for:

JAMES W CROOKS

street address not available
 Belleview, FL
 (352) 307-2401

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Phone Details

Line Type: Land Line
 Provider: United Telephone

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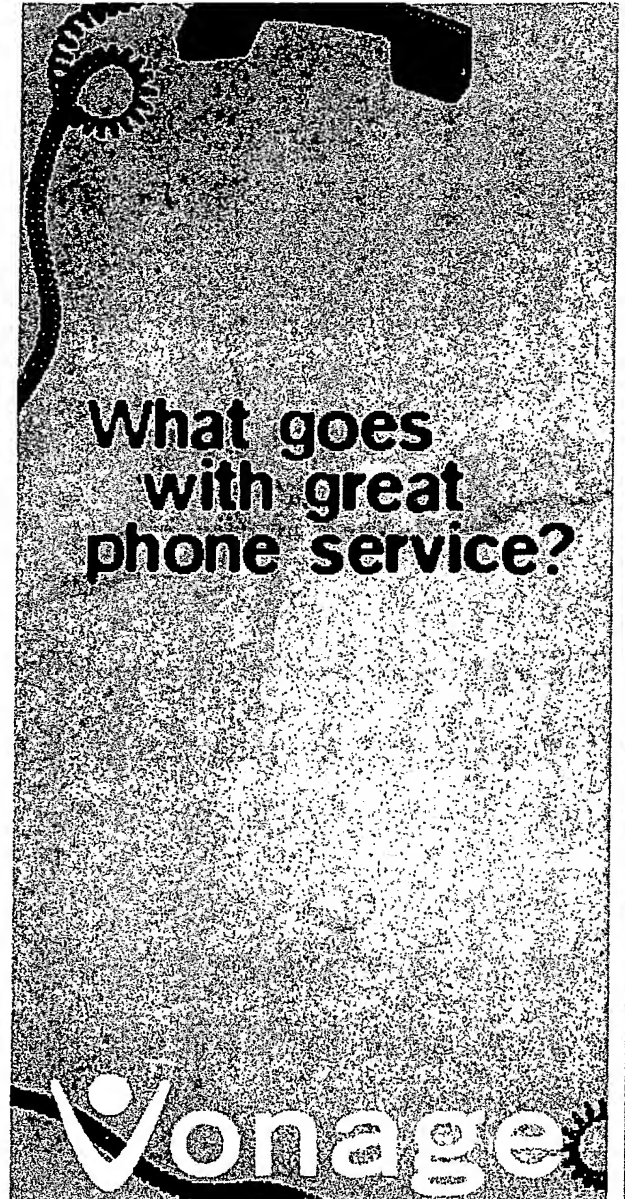
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Exhibit A



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More information for:

JAMES W CROOKS

3510 Kingston Rd
 York, PA 17402-4237
 (717) 751-0797
[Find Neighbors](#)

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Local Time: 3:46 p.m.
 Eastern Daylight Time

Phone Details

Line Type: Land Line
 Provider: Verizon

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Exhibit A

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

James W. Crooks, Jr.
1773 Poinsetta Dr.
Marietta, GA 30062

2. Article Number

(Transfer from service label)

7004 2890 0004 2041 1350

PS Form 3811, February 2004

Domestic Return Receipt

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

☐ Agent

☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

8-17-06

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type

☒ Certified Mail

☐ Express Mail

☐ Registered

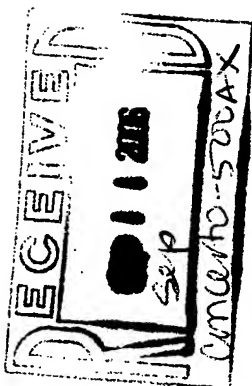
☒ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes



Unclaimed pkg
(sent to inventor 8/9)

Exhibit B

Columbian®

ITEM NO. CO805

DuPont™
Tyvek®

Protect What's Inside™



BOURQUE & ASSOCIATES
835 Hanover St., Ste 301
Manchester, NH 03104

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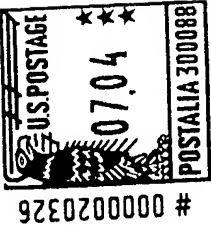
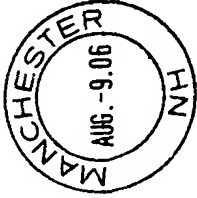
Exhibit B

James W. Crooks, Jr.
1773 Poinsetta Dr.
Marietta, GA 30062

UNCLAIMED
8-14-06



7004 2490 0000 0000



FIRST CLASS

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Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.04

Postmark Here

Completed and reverse side, nailpiece.

Sent To James W. Crooks, Jr.
Street, Apt. No., or PO Box No. 1773 Poinsetta Dr.
City, State, ZIP+4 Marietta GA 30062
PS Form 3800, June 2002 See Reverse for Instructions

COMPLETE THIS SECTION ON DELIVERY:
A. Signature X ☐ Agent ☐ Addressee
B. Received by (Printed Name) C. Date of Delivery
D. Is delivery address different from item 1? ☐ Yes
If YES, enter delivery address below: ☐ No

3. Service Type
☒ Certified Mail ☐ Express Mail
☐ Registered ☒ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

Sent To James W. Crooks, Jr.
Street, Apt. No., or PO Box No. 1773 Poinsetta Dr.
City, State, ZIP+4 Marietta GA 30062
PS Form 3800, June 2002 See Reverse for Instructions

2. Article Number (Transfer from service label) 7004 2890 0004 2041 1350
PS Form 3811, February 2004 Domestic Return Receipt

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BOURQUE & ASSOCIATES
835 Hanover St., Ste 301
Manchester, NH 03104

Concerto - SWAX

Exhibit B

**BOURQUE
& ASSOCIATES
P.A.**
Intellectual Property Attorneys

DANIEL J. BOURQUE
Admitted NH, MA
Canadian Patent Agent

ANDREW MARTIN
Admitted MA

INTELLECTUAL PROPERTY LAW
PATENTS TRADEMARKS COPYRIGHTS
LICENSING AND RELATED
LITIGATION

July 28, 2006

James W. Crooks
1773 Poinsettia Dr.
Marietta, GA 30062

RE: Dynamic and Interdependent Processing of
Inbound and Outbound Communications
Our Reference: CONCERTO-500AX

Dear James:

Enclosed for signature is a Declaration and Power of Attorney form for your signature. This document should be signed and returned to us at your earliest convenience, and must be filed with the United States Patent & Trademark Office pursuant to the most recent Office Action issued in the above-identified patent application.

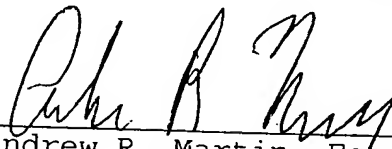
Please sign and date the document and return the original to us by mail, as well as facsimile at 603-624-1432.

If you have any questions, please do not hesitate to contact us. We look forward to receipt of the enclosed Declaration.

Very truly yours,

BOURQUE & ASSOCIATES, P.A.

By:


Andrew R. Martin, Esq.

ARM/slf
Encl.



DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:
Dynamic and Interdependent Processing of Inbound and Outbound Communications

the specification of which (check one):

☐ is attached hereto.

☒ was filed November 10, 1999 as Serial
No. 09/437,414; amended on _____
(if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations §1.56(a).

I hereby claim foreign priority benefits under Title 35 USC 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

<u>Prior Foreign Application(s)</u>	<u>Date Filed</u>	<u>Priority Claimed</u>
-------------------------------------	-------------------	-------------------------

I hereby claim the benefit under Title 35 USC 120 of any United States application(s) listed below and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35 USC 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

08/449,887 (Application Serial No.)	May 25, 1995 (Filing Date)	Patented (Patented/pending/abandoned)
--	-------------------------------	--

07/533,489 (Application Serial No.)	June 5, 1990 (Filing Date)	Patented (Patented/pending/abandoned)
--	-------------------------------	--

I hereby claim the benefit under Title 35 USC 119(e) of any United States provisional application(s) listed below:

(Application Serial No.)	(Filing Date)	(Patented/pending/abandoned)
--------------------------	---------------	------------------------------

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) to prosecute this application and transact all business connected therewith in the Patent and Trademark Office, and to file with the USRO any International Application based thereon.

Daniel J. Bourque, 35,457
Andrew R. Martin, 45,413

Address all correspondence to:

Customer No. 28452
Bourque & Associates, P.A.
835 Hanover Street, Suite 301
Manchester, NH 03104
Telephone: (603) 623-5111
Facsimile: (603) 624-1432

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of Sole/First Inventor:		
Aleksander Szlam		
City of Residence	State or Country	Country of Citizenship
Alpharetta	GA	United States
Post Office Address	City	State or Country Zip Code
9380 Colonnade Trail	Alpharetta	GA 30022
Signature: (Please sign and date in permanent ink.)		Date signed:
X		X

Full Name of Second Joint Inventor:

James W. Crooks, Jr.

City of Residence	State or Country	Country of Citizenship
Marietta	GA	United States
Post Office Address	City	State or Country Zip Code
1773 Poinsettia Dr.	Marietta	GA 30062
Signature: (Please sign and date in permanent ink.)		Date signed:
X		X

Full Name of Third Joint Inventor: Dean H. Harris		
City of Residence Marietta	State or Country GA	Country of Citizenship United States
Post Office Address 3273 Winterwood Court	City Marietta	State or Country Zip Code GA 30062
Signature: (Please sign and date in permanent ink.) X		Date signed: X



Intellectual Property Attorneys

DANIEL J. BOURQUE
Admitted NH, MA
Canadian Patent Agent

ANDREW MARTIN
Admitted MA

INTELLECTUAL PROPERTY LAW
PATENTS TRADEMARKS COPYRIGHTS
LICENSING AND RELATED
LITIGATION

August 9, 2006

James W. Crooks, Jr.
1773 Poinsetta Dr.
Marietta, GA 30062

RE: Method and Apparatus for Dynamic and Interdependent
Processing of Inbound Calls and Outbound Calls
Our Reference: CONCERTO-500AX

Dear James:

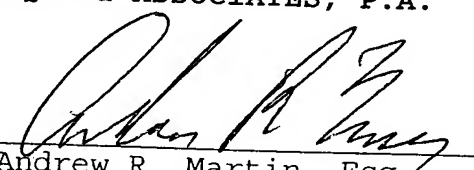
We are currently working on a Continuation of a reissue application of patent 5,214,688 titled, "Dynamic and Interdependent Processing of Inbound Calls and Outbound Calls" for Aspect (formerly Concerto formerly Inventions, Inc.) in which you are listed as an inventor. Enclosed are a copy of the application as filed, a copy of the current listing of claims, and a supplemental Oath and Declaration for your signature. As an inventor we are required to send you a copy of the application as filed and request your signature on the Declaration.

If you could please give me a call at 1-800-539-5111 or send me a phone number that I may contact you, I would be happy to explain in more detail, also if you could please provide us an address for your current residence as well.

Very Truly Yours,

BOURQUE & ASSOCIATES, P.A.

By:


Andrew R. Martin, Esq.

ARM/slf
Encl.

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Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

Aleksander Szlam, James W. Crooks, Jr.,
and Dean H. Harris

Serial No. 09/437,414

Filed: November 10, 1999

For: METHOD AND APPARATUS FOR
DYNAMIC AND INTERDEPENDENT
PROCESSING OF INBOUND CALLS
AND OUTBOUND CALLS

Group Art Unit: 2608

DECLARATION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

As an above-named inventor, We, Aleksander Szlam, Dean H. Harris and James W. Crooks, Jr., hereby each declare that:

My residence, post office address, and citizenship are as stated below. I believe that I am an original, first and joint inventor of the subject matter which is described and claimed in Letters Patent number 5,214,688 issued on May 25, 1993, and in the foregoing specification, and for which invention have hereby applied for a reissue patent, Serial No. 09/437,414, filed November 10, 1999.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims sought by this reissue application.

I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, §1.56.

I believe the original patent to be partly or wholly inoperative because of error that arose without any deceptive intention on my part by reason of claiming less than I had a

right to claim. I further declare that all errors corrected by this reissue application arose without deceptive intention on my part. None of the existing claims of the patent are specifically directed to those aspects of my invention involving controlling the placement of outbound calls in response to specific inbound call parameters, controlling the processing of inbound calls in response to specific outbound call parameters, shifting of agents to accommodate the needs of inbound calls or outbound calls, whichever is deemed more important, the handling of outbound calls specifically based on the number of incoming calls which are on hold, the handling of inbound calls specifically based upon a measured parameter of outbound calls, or the specific use of an automatic call distributor (ACD) therefor. I believe that I am entitled to the claims to those aspects of my invention of the scope set forth in newly submitted Claims 74-101.

The error in failing to claim all that I was entitled to claim arose through a belief that the originally-issued claims adequately covered my invention. I still believe that the originally issued claims cover my invention but possible deficiencies in the claims of this patent came to my attention as a result of licensing negotiations with a competitor of the assignee.

These licensing negotiations began on July 22, 1993 by offer of a license to said competitor. A meeting was held with said competitor on April 7, 1994. Letters were exchanged between the attorney for the assignee and the attorney for the competitor before and after that meeting but the need for and terms of a license were not agreed to, and negotiations were terminated in March 1995, with the competitor still refusing to take a license and claiming that the competitor's product was not covered by the claims. I was not part of the licensing negotiations but these possible deficiencies were brought to my attention by the assignee.

Existing claim 1 is for a method for adjusting the rate of placement of outbound telephone calls in response to statistics on both inbound calls and outbound calls. Existing claim 20 is for a method for responding to an inbound call based upon statistics on outbound calls. Existing claim 32 is for a method for placing an outbound call in response to the statistics for an agent for the agent's handling of inbound calls and the agent's handling of outbound calls, and in response to whether that agent is currently on an inbound call or an outbound call. Existing claims 48, 55 and 59 are for an apparatus

that adjusts the rate of placement of outbound telephone calls in response to statistics on both inbound calls and outbound calls. Existing claim 67 is for a method for allocating trunk lines between inbound calls and outbound calls in response to statistics on one of those types of calls. Existing claim 73 is for an apparatus that allocates trunk lines between inbound calls and outbound calls in response to statistics on one of those types of calls. Although it is believed that the existing claims should cover practical implementations of the invention, the existing claims, as described above, do not specifically address controlling the placement of outbound calls in response to specific inbound call parameters, controlling the processing of inbound calls in response to specific outbound call parameters, the shifting of agents to accommodate the needs of inbound calls or outbound calls, whichever is deemed more important, the handling of outbound calls specifically based on the number of incoming calls which are on hold, the handling of inbound calls specifically based upon a measured parameter of outbound calls, or the specific use of an automatic call distributor (ACD) therefor.

New claim 74 is a method for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 74 requires, among other steps: (1) assigning some agents of a plurality of agents to outbound calls; (2) assigning other agents of the plurality of agents to inbound calls; (3) selectably connecting answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (4) if additional agents are needed for the inbound calls then automatically reassigning, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls; and (5) automatically adjusting the rate of placement of the outbound calls in response to the agent being reassigned from outbound calls to inbound calls. These steps are not specifically present in the existing claims.

New claim 75 depends from claim 74, and is a method for moving an agent from the handling of inbound calls back to the handling of outbound calls if fewer agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved back to handle outbound calls instead of inbound calls. There are no existing claims which are specifically directed to adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved from handling inbound calls to handle outbound calls. In particular, claim 75 requires, in addition to the particular steps enumerated above with respect to claim 74, the steps: (1) automatically determining whether fewer agents are needed for the inbound calls; (2) if fewer agents are needed for the inbound calls then automatically reassigning, from inbound calls to outbound calls, at least one agent of the agents assigned to inbound calls; and (3) automatically adjusting the rate of placement of the outbound calls in response to the at least one agent being reassigned from inbound calls to outbound calls. These steps are not specifically present in the existing claims.

New claim 76 is a method for moving an agent from the handling of outbound calls to the handling of inbound calls if the inbound calls have been on hold for an excessive time, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle inbound calls which have been on hold for an excessive time, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 76 requires, among other steps: (1) assigning some agents of a plurality of agents to outbound calls; (2) assigning other agents of the plurality of agents to inbound calls; (3) selectively connecting answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (4) placing the non-selected inbound calls on hold; (5) determining the on-hold time for the inbound calls on hold; (6) if the on-hold time is excessive then automatically reassigning, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls; and (7)

automatically adjusting the rate of placement of the outbound calls in response to the at least one agent being reassigned from outbound calls to inbound calls. These steps are not specifically present in the existing claims.

New claim 77 is a method for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls. In particular, claim 77 requires, among other steps: (1) automatically determining at least one of the average connection time for outbound calls or the hit rate for outbound calls; and (2) if that parameter is excessive then handling a next inbound call by allowing it to ring for a predetermined period before connecting it to an agent, or answering it and placing it on hold, or answering it and conducting an interactive session. These steps are not specifically present in the existing claims.

New claim 78 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 78 requires that the fifth means: (1) assign some agents of a plurality of agents to outbound calls; (2) assign other agents of the plurality of agents to inbound calls; (3) determine a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (4) selectably connect answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; and (5) automatically reassign, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls if additional agents are needed for the inbound calls. This means element and the functions thereof are not specifically present in the existing claims.

New claim 79 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if the inbound calls have been on hold for an excessive time, and then adjusting the rate at which the outbound calls are placed to

compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle inbound calls which have been on hold for an excessive time, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 79 requires that the fifth means to: (1) assign some agents of a plurality of agents to outbound calls; (2) assign other agents of the plurality of agents to inbound calls; (3) determine a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (4) selectably connect answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (5) place the non-selected inbound calls on hold; (6) determine the on-hold time for the inbound calls on hold; and (7) automatically reassign, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls if the on-hold time is excessive. This means element and the functions thereof are not specifically present in the existing claims.

New claim 80 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls. In particular, claim 80 requires the fifth means to: (1) automatically determine at least one of the average connection time for outbound calls or the hit rate for outbound calls; and (2) if that parameter is excessive then handle a next inbound call by allowing it to ring for a predetermined period before connecting it to an agent, or answer it and place it on hold, or answer it and conduct an interactive session. This means element and the functions thereof are not specifically present in the existing claims.

New claim 81 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which:

(1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigns other agent work stations of the plurality to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and responds to the detection means detecting answering of the outbound calls by controlling the connections performed by the ACD; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station of the agent work stations assigned to outbound calls if additional agent work stations are needed for the inbound calls.

These two elements and the functions thereof are not specifically present in the existing claims.

New claim 82 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to the ACD detecting the inbound calls and the answering of the outbound calls for controlling the connections made by the ACD; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 83 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the

inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to a detection means detecting the answering of an outbound call by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 84 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to the ACD detecting the answering of the outbound calls by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) detennines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the

inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 85 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and the answering of outbound calls for controlling the connections made by the ACD; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 86 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls; which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and the answering of outbound calls for controlling the connections made by the

ACD; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 87 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other agent work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to agent work stations being assigned to outbound calls; (3) causes the dialing means to place outbound calls in response to the rate of placement; (4) responds to the detection means detecting the answering of outbound calls by causing the ACD to connect an answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, an agent work station if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 88 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes a dialing means to place outbound calls in

response to the rate of placement; (4) responds to a detection means detecting the answering of outbound calls by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 93 is a method for managing communications. There are no existing claims that are directed to the specific manner of adjusting the processing of the inbound calls based upon statistics of outbound calls. Claim 93 requires the steps of: (1) processing inbound calls, (2) processing outbound calls, (3) obtaining a statistic on the outbound calls, and (4) adjusting the processing of the inbound calls based upon the statistics. These elements and the functions thereof are not specifically present in the existing claims.

New claim 96 is a method for managing communications. There are no existing claims that are directed to the specific manner of adjusting the processing of the outbound calls based upon statistics of inbound calls. Claim 93 requires the steps of: (1) processing inbound calls, (2) processing outbound calls, (3) obtaining a statistic on the inbound calls, and (4) adjusting the processing of the outbound calls based upon the statistics. These elements and the functions thereof are not specifically present in the existing claims

New claim 99 is a method for managing communications. There are no existing claims that are directed to the specific manner of adjusting the processing of the outbound calls based upon statistics of inbound calls. Claim 93 requires the steps of: (1) providing for the processing inbound calls, (2) providing for the processing outbound calls, (3) obtaining a statistic on the inbound calls, and (4) providing for adjusting the processing of the outbound calls based upon the statistics. These elements and the functions thereof are not specifically present in the existing claims

I hereby declare that all statements made herein of my own knowledge are true

and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Full name of first inventor: Aleksander Szlam
Citizenship: United States
Residence: 9380 Colonnade Trail, Alpharetta, GA 30022
Post Office Address: Same as above

Inventor's Signature: _____

Date:

Full name of first inventor: Dean H. Harris
Citizenship: United States
Residence: 3273 Winterwood Court, Marietta, Georgia 30062
Post Office Address: Same as above

Inventor's Signature: _____

Date:

Full name of first inventor: James W. Crooks
Citizenship: United States
Residence: 1773 Poinsetta Dr., Marietta GA 30062
Post Office Address: Same as above

Inventor's Signature: _____

Date:

1-92 (Cancelled)

93. (Previously Presented) A method for managing communications, comprising:

processing inbound calls;
processing outbound calls;
obtaining a statistic on said outbound calls; and
adjusting said processing of said inbound calls based upon said statistic.

94. (Previously Presented) The method of claim 93, wherein said step of processing inbound calls comprises connecting said inbound calls to agents; and said step of adjusting said processing comprises reducing the number of said inbound calls which are connected to said agents if said statistic exceeds a predetermined value.

95. (Previously Presented) The method of claim 93, wherein said step of processing inbound calls comprises connecting said inbound calls to agents; said step of obtaining a statistic on said outbound calls comprises obtaining information on the duration of said outbound calls, and said step of adjusting said processing comprises reducing the number of said inbound calls

which are connected to said agents if said duration exceeds a predetermined value.

96. (Previously Presented) A method for managing communications, comprising:

processing inbound calls;
processing outbound calls;
obtaining a statistic on said inbound calls; and
adjusting said processing of said outbound calls based upon said statistic.

97. (Previously Presented) The method of claim 96 wherein said step of processing outbound calls comprises initiating said outbound calls, and said step of adjusting comprises reducing the number of said outbound calls which are initiated if said statistic exceeds a predetermined value.

98. (Previously Presented) The method of claim 96 wherein said step of processing outbound calls comprises initiating said outbound calls, said step of obtaining a statistic on said inbound calls comprises obtaining information on the duration of said inbound calls, and said step of adjusting said processing comprises reducing the number of said outbound calls which are initiated if said duration exceeds a predetermined value.

99. A method for managing communications, comprising:
providing for the processing inbound calls;
providing for the processing outbound calls;
obtaining a statistic on said inbound calls; and
providing for adjusting said processing of said outbound
calls based upon said statistic.

100. (Previously Presented) The method of claim 99 wherein
said step of providing for the processing outbound calls
comprises initiating said outbound calls, and said step of
providing for adjusting said processing comprises reducing the
number of said outbound calls which are initiated if said
statistic exceeds a predetermined value.

101. (Previously Presented) The method of claim 99 wherein
said step of providing for the processing of outbound calls
comprises initiating said outbound calls, said step of obtaining
a statistic comprises obtaining information on the duration of
said inbound calls, and said step of providing for adjusting
said processing comprises reducing the number of said outbound
calls which are initiated if said duration exceeds a
predetermined value.

In the Claims:

1-92 (Cancelled)

93. (Previously Amended) A method for managing communications, comprising:
 processing inbound calls;
 processing outbound calls;
 obtaining a statistic on said outbound calls; and
 adjusting said processing of said inbound calls based upon said statistic.

94. (Previously Amended) The method of claim 93, wherein said step of processing inbound calls comprises connecting said inbound calls to agents; and said step of adjusting said processing comprises reducing the number of said inbound calls which are connected to said agents if said statistic exceeds a predetermined value.

95. (Previously Amended) The method of claim 93, wherein said step of processing inbound calls comprises connecting said inbound calls to agents; said step of obtaining a statistic on

said outbound calls comprises obtaining information on the duration of said outbound calls, and said step of adjusting said processing comprises reducing the number of said inbound calls which are connected to said agents if said duration exceeds a predetermined value.

96. (Previously Amended) A method for managing communications, comprising:
processing inbound calls;
processing outbound calls;
obtaining a statistic on said inbound calls; and
adjusting said processing of said outbound calls based upon said statistic.

97. (Previously Amended) The method of claim 96 wherein said step of processing outbound calls comprises initiating said outbound calls, and said step of adjusting comprises reducing the number of said outbound calls which are initiated if said statistic exceeds a predetermined value.

98. (Previously Amended) The method of claim 96 wherein said

step of processing outbound calls comprises initiating said outbound calls, said step of obtaining a statistic on said inbound calls comprises obtaining information on the duration of said inbound calls, and said step of adjusting said processing comprises reducing the number of said outbound calls which are initiated if said duration exceeds a predetermined value.

99. (Previously Amended) A method for managing communications, comprising:

- providing for the processing inbound calls;
- providing for the processing outbound calls;
- obtaining a statistic on said inbound calls; and
- providing for adjusting said processing of said outbound calls based upon said statistic.

100. (Previously Amended) The method of claim 99 wherein said step of providing for the processing outbound calls comprises initiating said outbound calls, and said step of providing for adjusting said processing comprises reducing the number of said outbound calls which are initiated if said statistic exceeds a predetermined value.

In re:
Filed: November 10, 1999
Serial No.: 09/437,414
Page 5

101. (Previously Amended) The method of claim 99 wherein said step of providing for the processing of outbound calls comprises initiating said outbound calls, said step of obtaining a statistic comprises obtaining information on the duration of said inbound calls, and said step of providing for adjusting said processing comprises reducing the number of said outbound calls which are initiated if said duration exceeds a predetermined value.

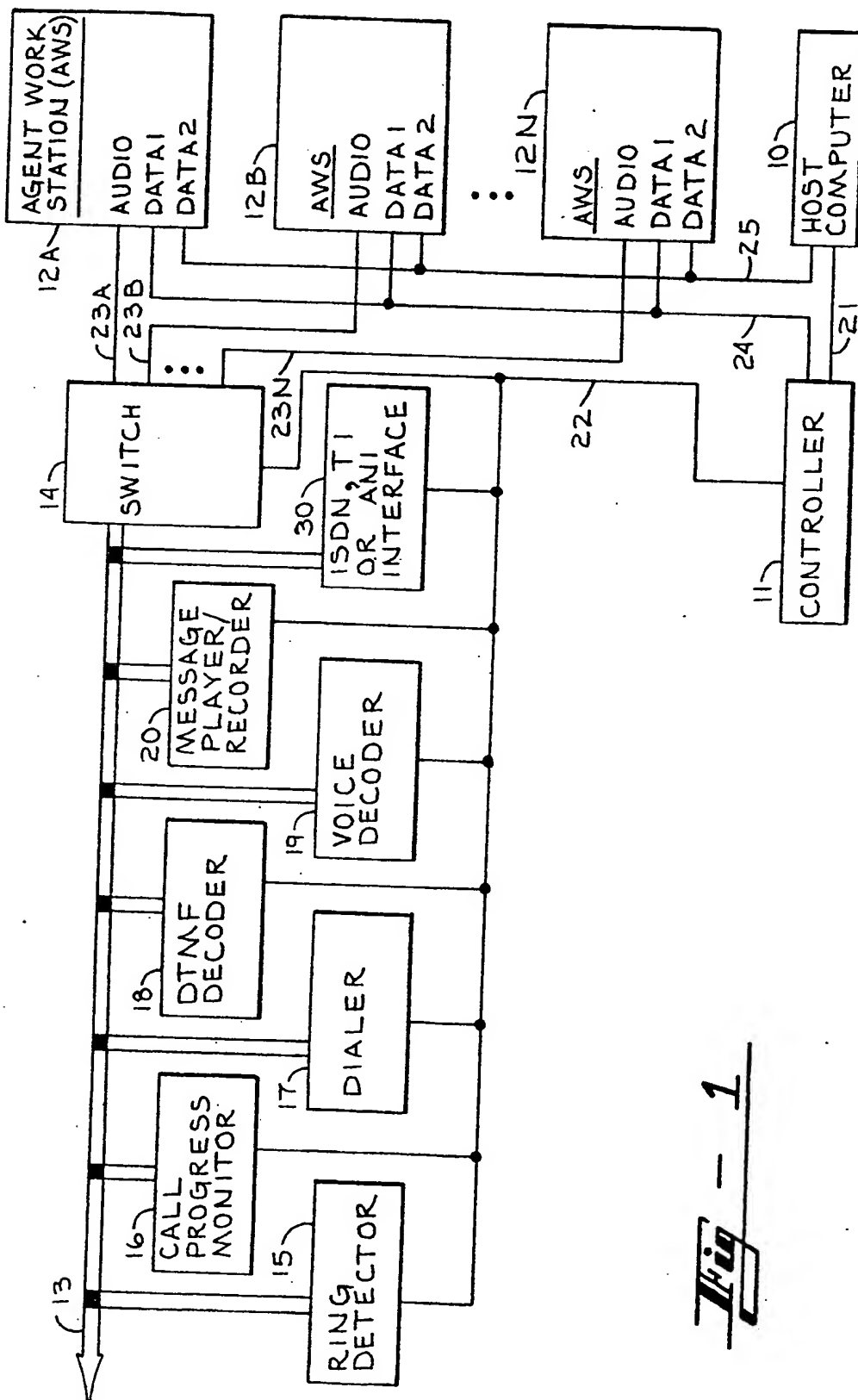
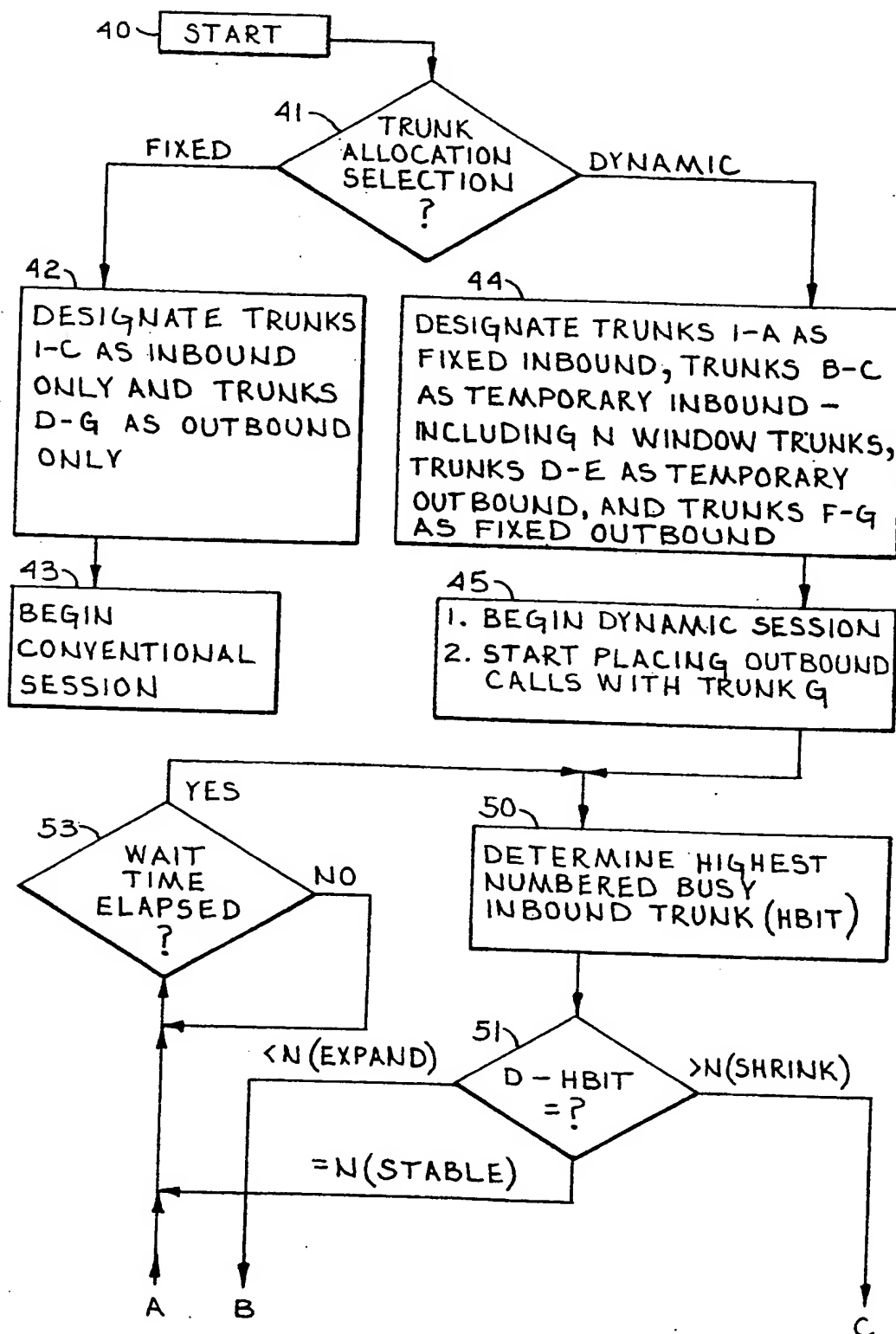
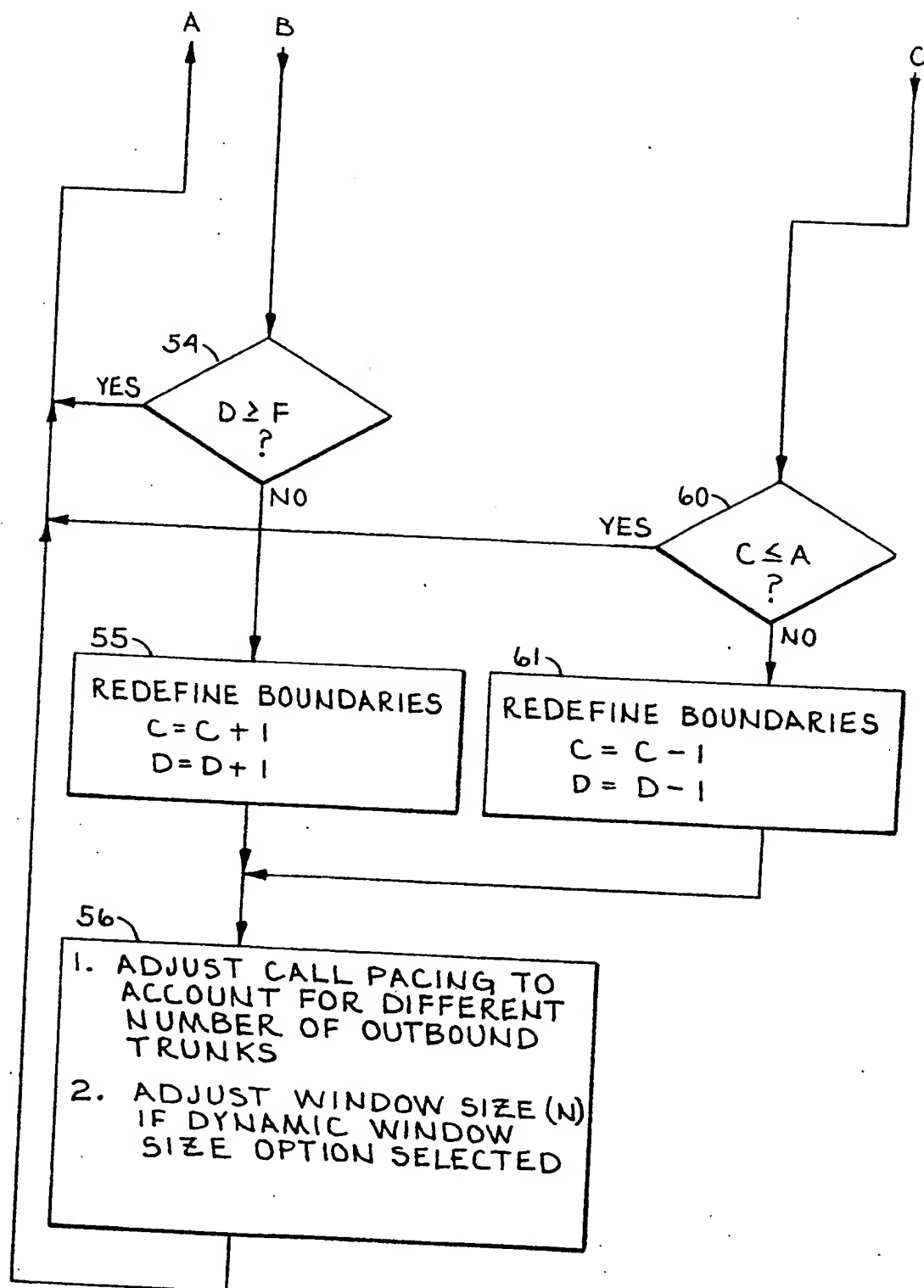


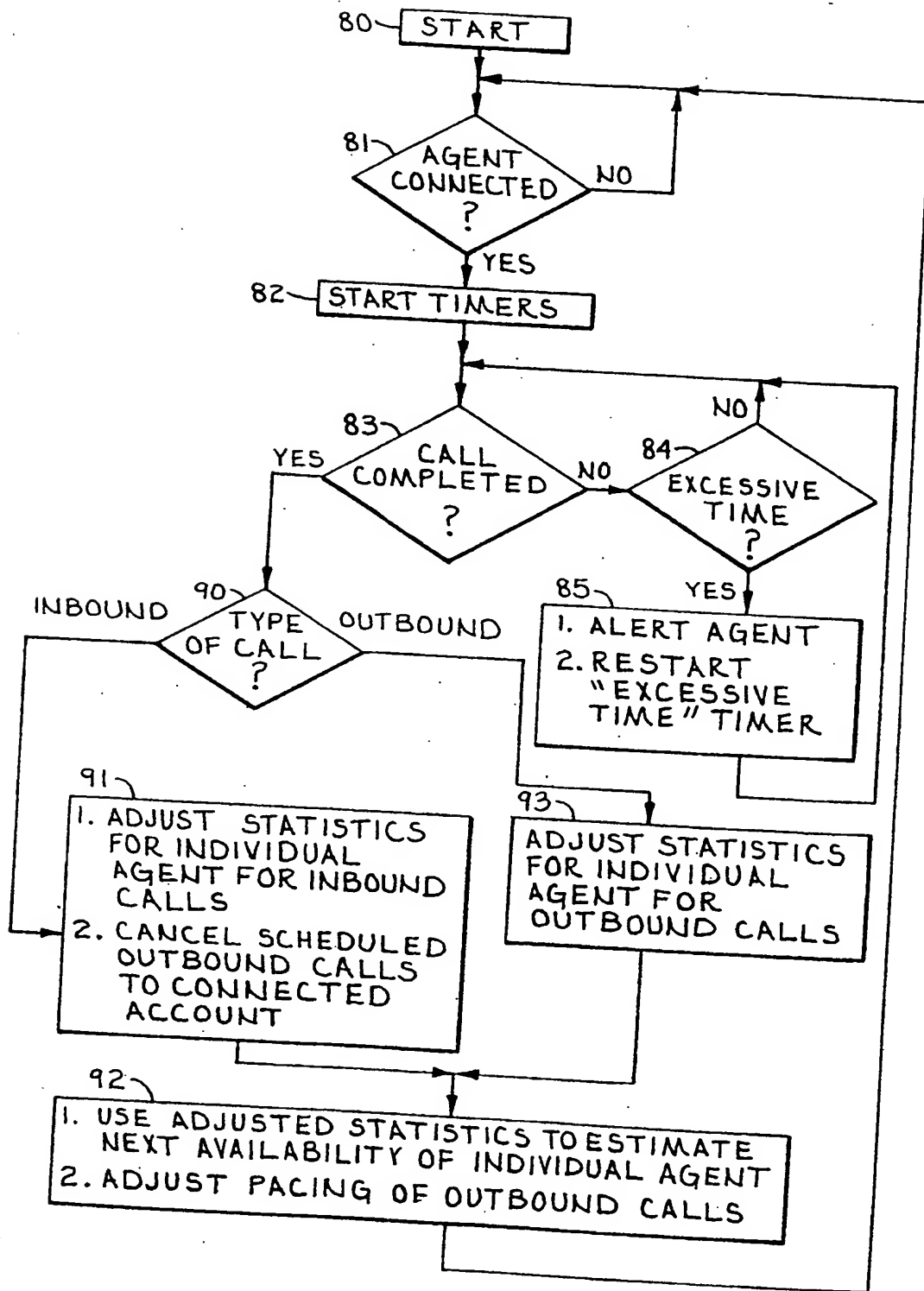
Fig. 1

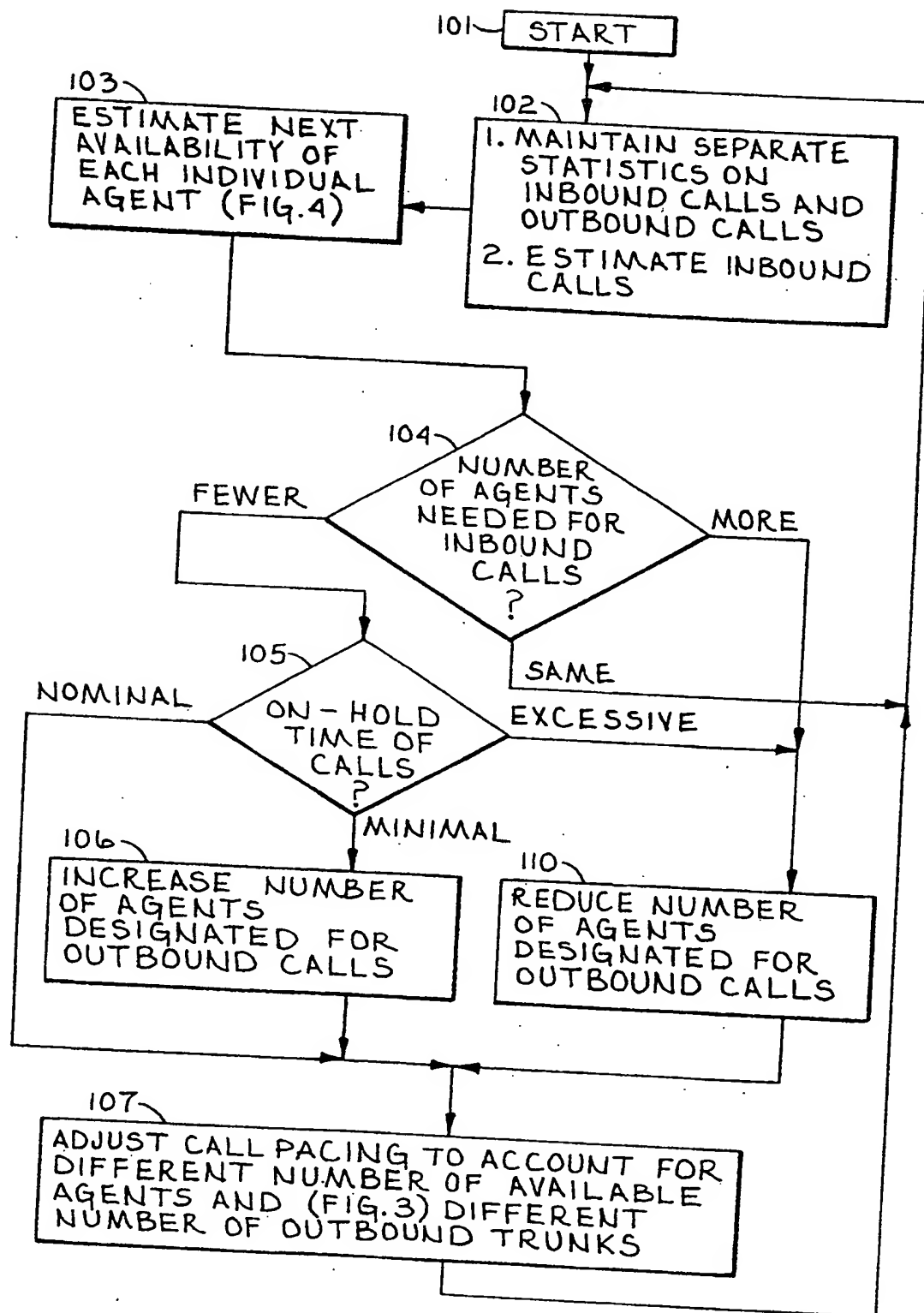
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F ... G	
H ... I	
J ... K	CAMPAIGN # 2
L ... M	CAMPAIGN # 3
	CAMPAIGN # N

Fig - 2

Fig - 3A







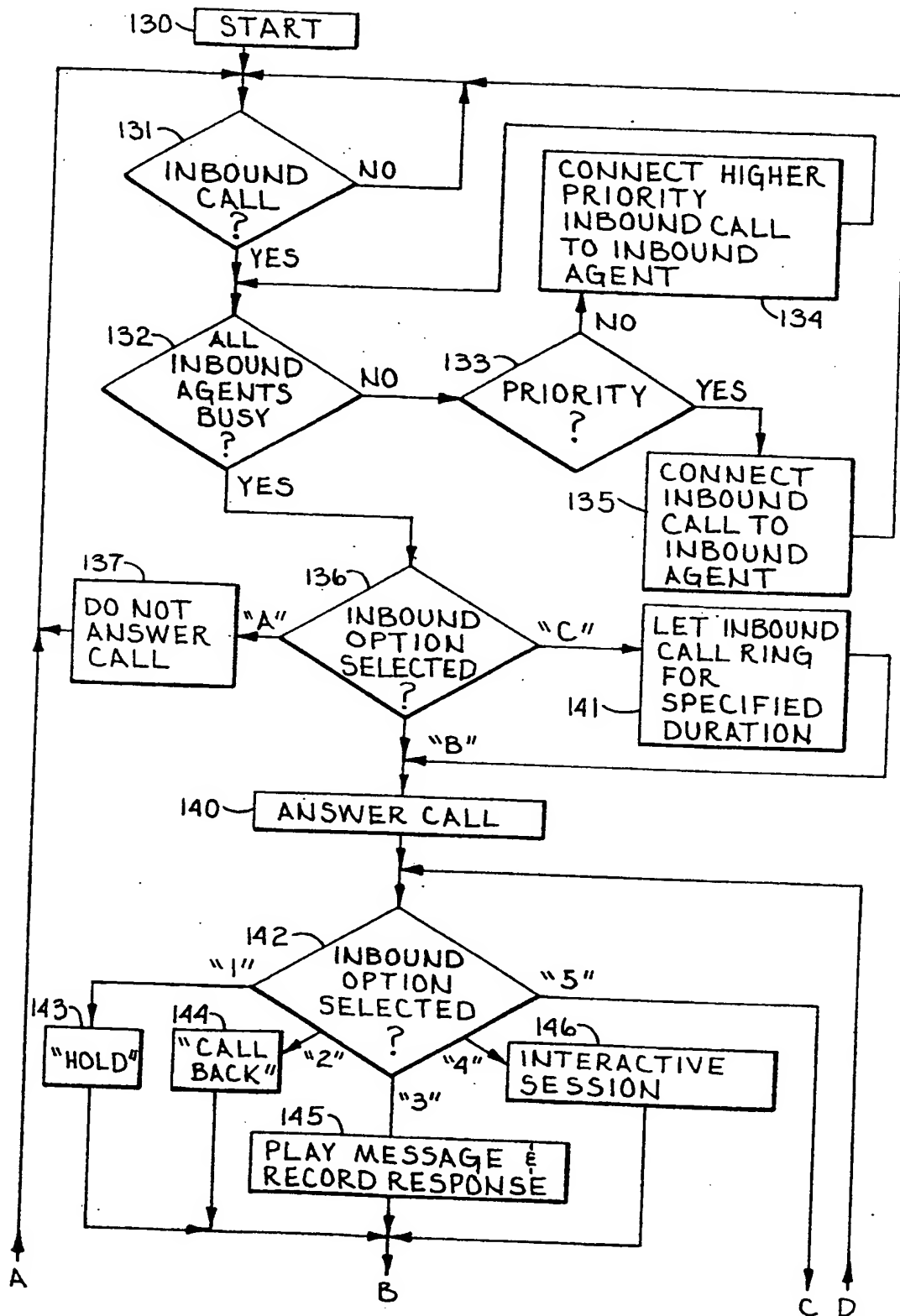


Fig - 6A

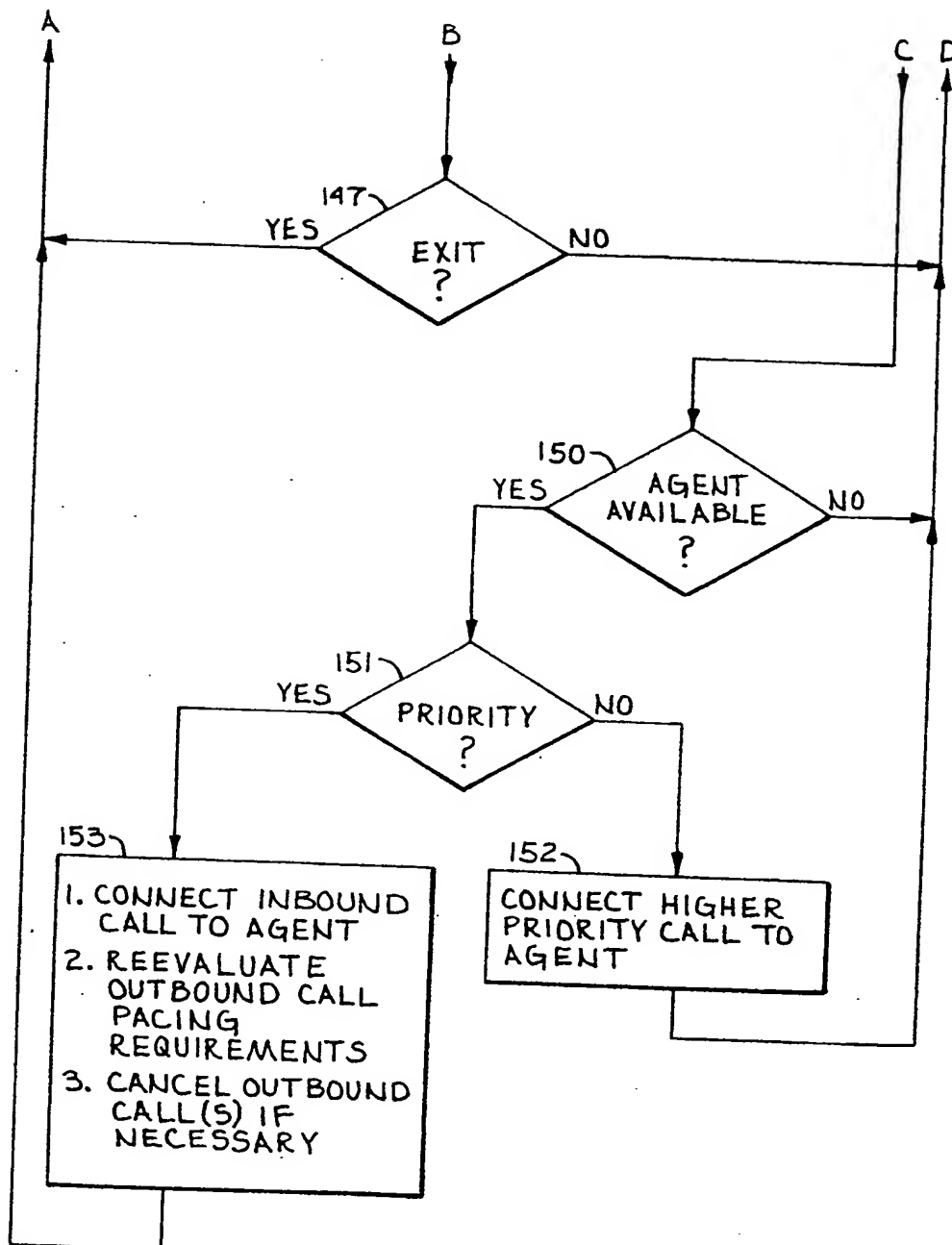


Fig. 8 - 6B

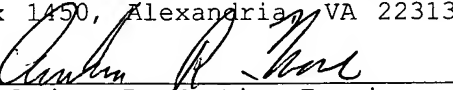
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : Szlam et al.
 Serial No. : 09/437,414
 Filed : November 10, 1999
 For : Dynamic and Interdependent Processing
 of...Communications
 Attorney's Docket : CONCERTO-500AX

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop AF, Commissioner of Patents, PO Box 1450, Alexandria, VA 22313-1450 on

11/17/00

By



Andrew R. Martin, Esquire
 Registration No. 45,413
 Attorney for Applicant(s)

DECLARATION IN SUPPORT OF PETITION PURSUANT TO 37 CFR 1.47

I, Andrew R. Martin, declare that:

1. I am Andrew R. Martin of 196 Gardners Grove Rd., Belmont, NH 03220, outside patent counsel for Aspect Software, Inc. (formerly Concerto Software Inc., formerly Inventions Inc.).
2. Aleksander Szlam was an owner/employee of Inventions Inc., as of February 9, 2004 when Concerto Software Inc. acquired Inventions Inc.
3. A good faith attempt was made to contact the inventor by U. S. Postal Service certified mail.
4. I researched company records and was unable to identify a current address for Aleksander Szlam.
5. I research the white pages and identified 9380 Colonnade Trail, Alpharetta, GA 30022 as Aleksander Szlam's current residential address.

6. A copy of the application as filed and an oath and declaration was sent certified mail on August 9, 2006 to Aleksander Szlam's last known residential address at 9380 Colonnade Trail, Alpharetta, GA 30022 as evidenced by a copy of the letter and enclosed contents in Exhibit B. The correspondence was received as evidenced by a copy of the returned receipt in Exhibit A.

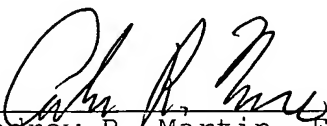
7. Aleksander Szlam was informed by the letter of Exhibit A that signature related directly to the application as filed.

8. Aleksander Szlam contacted me by phone on 8/15/06 and informed me that due to a separate unrelated dispute with Aspect Software, Inc. he was still not willing to sign the oath and declaration.

9. The instant patent application was prepared and filed after Aleksander Szlam's last date of employment.

The undersigned, Andrew R. Martin, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the subject application or any patent resulting therefrom, declares that all statements made of his own knowledge are true and that all statements made on information and belief are believed to be true.

Date 11/17/06



Andrew R. Martin, Esq.
Reg. No. 45,413

AUG 17 2006

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>GEORGE SHARRET</i> C. Date of Delivery <i>8-14-06</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p> <p>AUG 14</p>	
1. Article Addressed to: Aleksander Szlam 9380 Colonnade Trail Alpharetta, GA 30022		3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input checked="" type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label)		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
		7006 0100 0001 8528 3429	

PS Form 3811, February 2004 Domestic Return Receipt 102595-02-M-1540

Exhibit A

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT OF THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL™



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U.S. Postal Service™ CERTIFIED MAIL™ RECEIPT (Domestic Mail Only; No Insurance Coverage Provided)	
For delivery information visit our website at www.usps.com	
OFFICIAL USE	
Postage	\$ 8.79
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
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Total Postage & Fees	\$ 7.04
Sent To Aleksander Szlam Street, Apt. No., or PO Box No. 9380 Colonnade Trail City, State, ZIP+4 Alpharetta GA 30022	
PS Form 3800, June 2002 See Reverse for Instructions	

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OFFICIAL USE

Postage	\$ 8.79
Certified Fee	2.40
Return Receipt Fee (Endorsement Required)	1.85
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$ 7.04

Postmark
Here

Sent To	Aleksander Szlam
Street, Apt. No., or PO Box No.	9380 Colonnade Trail
City, State, ZIP+4	Alpharetta GA 30022
PS Form 3800, June 2002 See Reverse for Instructions	

COMPLETE THIS SECTION ON DELIVERY

A. Signature X		<input type="checkbox"/> Agent <input type="checkbox"/> Addressee
B. Received by (Printed Name)	C. Date of Delivery	
D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No		
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes		

7006 0100 0001 8528 3429

Domestic Return Receipt

102595-02-M-1540



First-Class Mail
Postage & Fees Paid
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• Sender: Please print your name, address, and ZIP+4 in this box •

BOURQUE & ASSOCIATES
835 Hanover St., Ste 301
Manchester, NH 03104

Concerto-500AX

**BOUROQUE
& ASSOCIATES
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INTELLECTUAL PROPERTY LAW
PATENTS TRADEMARKS COPYRIGHTS
LICENSING AND RELATED
LITIGATION

August 9, 2006

Aleksander Szlam
9380 Colonnade Trail
Alpharetta, GA 30022

RE: Method and Apparatus for Dynamic and Interdependent
Processing of Inbound Calls and Outbound Calls
Our Reference: CONCERTO-500AX

Dear Aleksander:

We are currently working on a Continuation of a reissue application of patent 5,214,688 titled, "Dynamic and Interdependent Processing of Inbound Calls and Outbound Calls" for Aspect (formerly Concerto formerly Inventions, Inc.) in which you are listed as an inventor. Enclosed are a copy of the application as filed, a copy of the current listing of claims, and a supplemental Oath and Declaration for your signature. As an inventor we are required to send you a copy of the application as filed and request your signature on the Declaration.

If you could please give me a call at 1-800-539-5111 or send me a phone number that I may contact you, I would be happy to explain in more detail, also if you could please provide us an address for your current residence as well.

Very Truly Yours,

BOURQUE & ASSOCIATES, P.A.

By: 

Andrew R. Martin, Esq.

ARM/slf
Encl.

835 Hanover Street, Suite 301 • Manchester, New Hampshire 03104 • (603) 623-5111 • Fax (603) 624-1432

www.nhpatlaw.com

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

Aleksander Szlam, James W. Crooks, Jr.,
and Dean H. Harris

Serial No. 09/437,414

Filed: November 10, 1999

For: METHOD AND APPARATUS FOR
DYNAMIC AND INTERDEPENDENT
PROCESSING OF INBOUND CALLS
AND OUTBOUND CALLS

Group Art Unit: 2608

DECLARATION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

As an above-named inventor, We, Aleksander Szlam, Dean H. Harris and James W. Crooks, Jr., hereby each declare that:

My residence, post office address, and citizenship are as stated below. I believe that I am an original, first and joint inventor of the subject matter which is described and claimed in Letters Patent number 5,214,688 issued on May 25, 1993, and in the foregoing specification, and for which invention have hereby applied for a reissue patent, Serial No. 09/437,414, filed November 10, 1999.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims sought by this reissue application.

I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, §1.56.

I believe the original patent to be partly or wholly inoperative because of error that arose without any deceptive intention on my part by reason of claiming less than I had a

right to claim. I further declare that all errors corrected by this reissue application arose without deceptive intention on my part. None of the existing claims of the patent are specifically directed to those aspects of my invention involving controlling the placement of outbound calls in response to specific inbound call parameters, controlling the processing of inbound calls in response to specific outbound call parameters, shifting of agents to accommodate the needs of inbound calls or outbound calls, whichever is deemed more important, the handling of outbound calls specifically based on the number of incoming calls which are on hold, the handling of inbound calls specifically based upon a measured parameter of outbound calls, or the specific use of an automatic call distributor (ACD) therefor. I believe that I am entitled to the claims to those aspects of my invention of the scope set forth in newly submitted Claims 74-101.

The error in failing to claim all that I was entitled to claim arose through a belief that the originally-issued claims adequately covered my invention. I still believe that the originally issued claims cover my invention but possible deficiencies in the claims of this patent came to my attention as a result of licensing negotiations with a competitor of the assignee.

These licensing negotiations began on July 22, 1993 by offer of a license to said competitor. A meeting was held with said competitor on April 7, 1994. Letters were exchanged between the attorney for the assignee and the attorney for the competitor before and after that meeting but the need for and terms of a license were not agreed to, and negotiations were terminated in March 1995, with the competitor still refusing to take a license and claiming that the competitor's product was not covered by the claims. I was not part of the licensing negotiations but these possible deficiencies were brought to my attention by the assignee.

Existing claim 1 is for a method for adjusting the rate of placement of outbound telephone calls in response to statistics on both inbound calls and outbound calls. Existing claim 20 is for a method for responding to an inbound call based upon statistics on outbound calls. Existing claim 32 is for a method for placing an outbound call in response to the statistics for an agent for the agent's handling of inbound calls and the agent's handling of outbound calls, and in response to whether that agent is currently on an inbound call or an outbound call. Existing claims 48, 55 and 59 are for an apparatus

that adjusts the rate of placement of outbound telephone calls in response to statistics on both inbound calls and outbound calls. Existing claim 67 is for a method for allocating trunk lines between inbound calls and outbound calls in response to statistics on one of those types of calls. Existing claim 73 is for an apparatus that allocates trunk lines between inbound calls and outbound calls in response to statistics on one of those types of calls. Although it is believed that the existing claims should cover practical implementations of the invention, the existing claims, as described above, do not specifically address controlling the placement of outbound calls in response to specific inbound call parameters, controlling the processing of inbound calls in response to specific outbound call parameters, the shifting of agents to accommodate the needs of inbound calls or outbound calls, whichever is deemed more important, the handling of outbound calls specifically based on the number of incoming calls which are on hold, the handling of inbound calls specifically based upon a measured parameter of outbound calls, or the specific use of an automatic call distributor (ACD) therefor.

New claim 74 is a method for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 74 requires, among other steps: (1) assigning some agents of a plurality of agents to outbound calls; (2) assigning other agents of the plurality of agents to inbound calls; (3) selectably connecting answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (4) if additional agents are needed for the inbound calls then automatically reassigning, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls; and (5) automatically adjusting the rate of placement of the outbound calls in response to the agent being reassigned from outbound calls to inbound calls. These steps are not specifically present in the existing claims.

New claim 75 depends from claim 74, and is a method for moving an agent from the handling of inbound calls back to the handling of outbound calls if fewer agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved back to handle outbound calls instead of inbound calls. There are no existing claims which are specifically directed to adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved from handling inbound calls to handle outbound calls. In particular, claim 75 requires, in addition to the particular steps enumerated above with respect to claim 74, the steps: (1) automatically determining whether fewer agents are needed for the inbound calls; (2) if fewer agents are needed for the inbound calls then automatically reassigning, from inbound calls to outbound calls, at least one agent of the agents assigned to inbound calls; and (3) automatically adjusting the rate of placement of the outbound calls in response to the at least one agent being reassigned from inbound calls to outbound calls. These steps are not specifically present in the existing claims.

New claim 76 is a method for moving an agent from the handling of outbound calls to the handling of inbound calls if the inbound calls have been on hold for an excessive time, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle inbound calls which have been on hold for an excessive time, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 76 requires, among other steps: (1) assigning some agents of a plurality of agents to outbound calls; (2) assigning other agents of the plurality of agents to inbound calls; (3) selectively connecting answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (4) placing the non-selected inbound calls on hold; (5) determining the on-hold time for the inbound calls on hold; (6) if the on-hold time is excessive then automatically reassigning, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls; and (7)

automatically adjusting the rate of placement of the outbound calls in response to the at least one agent being reassigned from outbound calls to inbound calls. These steps are not specifically present in the existing claims.

New claim 77 is a method for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls. In particular, claim 77 requires, among other steps: (1) automatically determining at least one of the average connection time for outbound calls or the hit rate for outbound calls; and (2) if that parameter is excessive then handling a next inbound call by allowing it to ring for a predetermined period before connecting it to an agent, or answering it and placing it on hold, or answering it and conducting an interactive session. These steps are not specifically present in the existing claims.

New claim 78 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 78 requires that the fifth means: (1) assign some agents of a plurality of agents to outbound calls; (2) assign other agents of the plurality of agents to inbound calls; (3) determine a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (4) selectably connect answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; and (5) automatically reassign, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls if additional agents are needed for the inbound calls. This means element and the functions thereof are not specifically present in the existing claims.

New claim 79 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if the inbound calls have been on hold for an excessive time, and then adjusting the rate at which the outbound calls are placed to

compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle inbound calls which have been on hold for an excessive time, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 79 requires that the fifth means to: (1) assign some agents of a plurality of agents to outbound calls; (2) assign other agents of the plurality of agents to inbound calls; (3) determine a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (4) selectably connect answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (5) place the non-selected inbound calls on hold; (6) determine the on-hold time for the inbound calls on hold; and (7) automatically reassign, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls if the on-hold time is excessive. This means element and the functions thereof are not specifically present in the existing claims.

New claim 80 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls. In particular, claim 80 requires the fifth means to: (1) automatically determine at least one of the average connection time for outbound calls or the hit rate for outbound calls; and (2) if that parameter is excessive then handle a next inbound call by allowing it to ring for a predetermined period before connecting it to an agent, or answer it and place it on hold, or answer it and conduct an interactive session. This means element and the functions thereof are not specifically present in the existing claims.

New claim 81 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which:

(1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigns other agent work stations of the plurality to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and responds to the detection means detecting answering of the outbound calls by controlling the connections performed by the ACD; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station of the agent work stations assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 82 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to the ACD detecting the inbound calls and the answering of the outbound calls for controlling the connections made by the ACD; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 83 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the

inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to a detection means detecting the answering of an outbound call by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 84 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to the ACD detecting the answering of the outbound calls by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the

inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 85 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and the answering of outbound calls for controlling the connections made by the ACD; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 86 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls; which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and the answering of outbound calls for controlling the connections made by the

ACD; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 87 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other agent work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to agent work stations being assigned to outbound calls; (3) causes the dialing means to place outbound calls in response to the rate of placement; (4) responds to the detection means detecting the answering of outbound calls by causing the ACD to connect an answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, an agent work station if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 88 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes a dialing means to place outbound calls in

response to the rate of placement; (4) responds to a detection means detecting the answering of outbound calls by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 93 is a method for managing communications. There are no existing claims that are directed to the specific manner of adjusting the processing of the inbound calls based upon statistics of outbound calls. Claim 93 requires the steps of: (1) processing inbound calls, (2) processing outbound calls, (3) obtaining a statistic on the outbound calls, and (4) adjusting the processing of the inbound calls based upon the statistics. These elements and the functions thereof are not specifically present in the existing claims.

New claim 96 is a method for managing communications. There are no existing claims that are directed to the specific manner of adjusting the processing of the outbound calls based upon statistics of inbound calls. Claim 93 requires the steps of: (1) processing inbound calls, (2) processing outbound calls, (3) obtaining a statistic on the inbound calls, and (4) adjusting the processing of the outbound calls based upon the statistics. These elements and the functions thereof are not specifically present in the existing claims

New claim 99 is a method for managing communications. There are no existing claims that are directed to the specific manner of adjusting the processing of the outbound calls based upon statistics of inbound calls. Claim 93 requires the steps of: (1) providing for the processing inbound calls, (2) providing for the processing outbound calls, (3) obtaining a statistic on the inbound calls, and (4) providing for adjusting the processing of the outbound calls based upon the statistics. These elements and the functions thereof are not specifically present in the existing claims

I hereby declare that all statements made herein of my own knowledge are true

and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

Full name of first inventor: Aleksander Szlam
Citizenship: United States
Residence: 9380 Colonnade Trail, Alpharetta, GA 30022
Post Office Address: Same as above

Inventor's Signature: _____

Date:

Full name of first inventor: Dean H. Harris
Citizenship: United States
Residence: 3273 Winterwood Court, Marietta, Georgia 30062
Post Office Address: Same as above

Inventor's Signature: _____

Date:

Full name of first inventor: James W. Crooks
Citizenship: United States
Residence: 1773 Poinsetta Dr., Marietta GA 30062
Post Office Address: Same as above

Inventor's Signature: _____

Date:

1-92 (Cancelled)

93. (Previously Presented) A method for managing communications, comprising:

processing inbound calls;
processing outbound calls;
obtaining a statistic on said outbound calls; and
adjusting said processing of said inbound calls based upon said statistic.

94. (Previously Presented) The method of claim 93, wherein said step of processing inbound calls comprises connecting said inbound calls to agents; and said step of adjusting said processing comprises reducing the number of said inbound calls which are connected to said agents if said statistic exceeds a predetermined value.

95. (Previously Presented) The method of claim 93, wherein said step of processing inbound calls comprises connecting said inbound calls to agents; said step of obtaining a statistic on said outbound calls comprises obtaining information on the duration of said outbound calls, and said step of adjusting said processing comprises reducing the number of said inbound calls

which are connected to said agents if said duration exceeds a predetermined value.

96. (Previously Presented) A method for managing

communications, comprising:

processing inbound calls;

processing outbound calls;

obtaining a statistic on said inbound calls; and

adjusting said processing of said outbound calls based upon said statistic.

97. (Previously Presented) The method of claim 96 wherein said step of processing outbound calls comprises initiating said outbound calls, and said step of adjusting comprises reducing the number of said outbound calls which are initiated if said statistic exceeds a predetermined value.

98. (Previously Presented) The method of claim 96 wherein said step of processing outbound calls comprises initiating said outbound calls, said step of obtaining a statistic on said inbound calls comprises obtaining information on the duration of said inbound calls, and said step of adjusting said processing comprises reducing the number of said outbound calls which are initiated if said duration exceeds a predetermined value.

99. A method for managing communications, comprising:
providing for the processing inbound calls;
providing for the processing outbound calls;
obtaining a statistic on said inbound calls; and
providing for adjusting said processing of said outbound
calls based upon said statistic.

100. (Previously Presented) The method of claim 99 wherein
said step of providing for the processing outbound calls
comprises initiating said outbound calls, and said step of
providing for adjusting said processing comprises reducing the
number of said outbound calls which are initiated if said
statistic exceeds a predetermined value.

101. (Previously Presented) The method of claim 99 wherein
said step of providing for the processing of outbound calls
comprises initiating said outbound calls, said step of obtaining
a statistic comprises obtaining information on the duration of
said inbound calls, and said step of providing for adjusting
said processing comprises reducing the number of said outbound
calls which are initiated if said duration exceeds a
predetermined value.

In the Claims:

1-92 (Cancelled)

93. (Previously Amended) A method for managing communications, comprising:
processing inbound calls;
processing outbound calls;
obtaining a statistic on said outbound calls; and
adjusting said processing of said inbound calls based upon said statistic.

94. (Previously Amended) The method of claim 93, wherein said step of processing inbound calls comprises connecting said inbound calls to agents; and said step of adjusting said processing comprises reducing the number of said inbound calls which are connected to said agents if said statistic exceeds a predetermined value.

95. (Previously Amended) The method of claim 93, wherein said step of processing inbound calls comprises connecting said inbound calls to agents; said step of obtaining a statistic on

said outbound calls comprises obtaining information on the duration of said outbound calls, and said step of adjusting said processing comprises reducing the number of said inbound calls which are connected to said agents if said duration exceeds a predetermined value.

96. (Previously Amended) A method for managing communications, comprising:
processing inbound calls;
processing outbound calls;
obtaining a statistic on said inbound calls; and
adjusting said processing of said outbound calls based upon said statistic.

97. (Previously Amended) The method of claim 96 wherein said step of processing outbound calls comprises initiating said outbound calls, and said step of adjusting comprises reducing the number of said outbound calls which are initiated if said statistic exceeds a predetermined value.

98. (Previously Amended) The method of claim 96 wherein said

step of processing outbound calls comprises initiating said outbound calls, said step of obtaining a statistic on said inbound calls comprises obtaining information on the duration of said inbound calls, and said step of adjusting said processing comprises reducing the number of said outbound calls which are initiated if said duration exceeds a predetermined value.

99. (Previously Amended) A method for managing communications, comprising:

- providing for the processing inbound calls;
- providing for the processing outbound calls;
- obtaining a statistic on said inbound calls; and
- providing for adjusting said processing of said outbound calls based upon said statistic.

100. (Previously Amended) The method of claim 99 wherein said step of providing for the processing outbound calls comprises initiating said outbound calls, and said step of providing for adjusting said processing comprises reducing the number of said outbound calls which are initiated if said statistic exceeds a predetermined value.

In re:
Filed: November 10, 1999
Serial No.: 09/437,414
Page 5

101. (Previously Amended) The method of claim 99 wherein said step of providing for the processing of outbound calls comprises initiating said outbound calls, said step of obtaining a statistic comprises obtaining information on the duration of said inbound calls, and said step of providing for adjusting said processing comprises reducing the number of said outbound calls which are initiated if said duration exceeds a predetermined value.

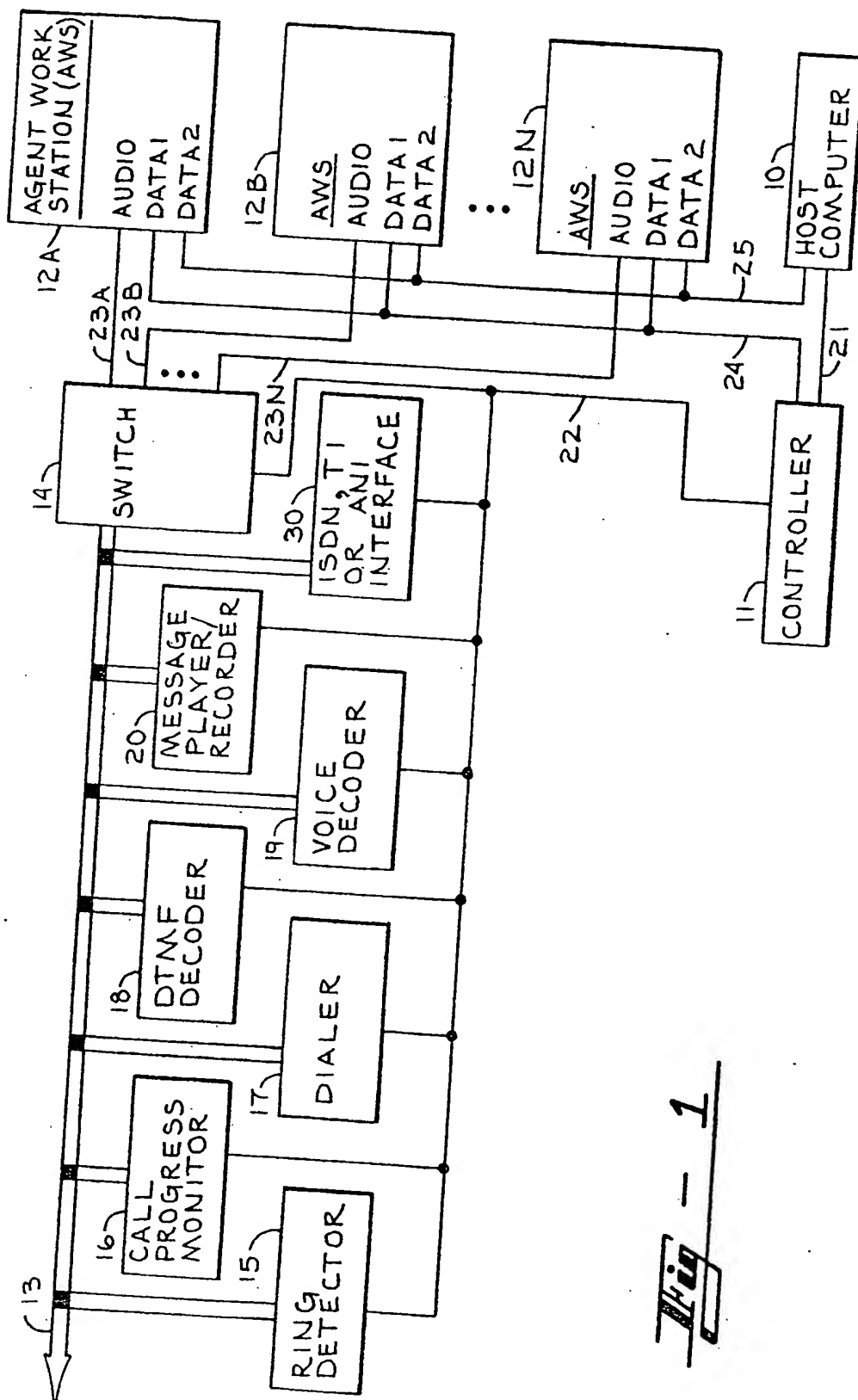


Fig. 1

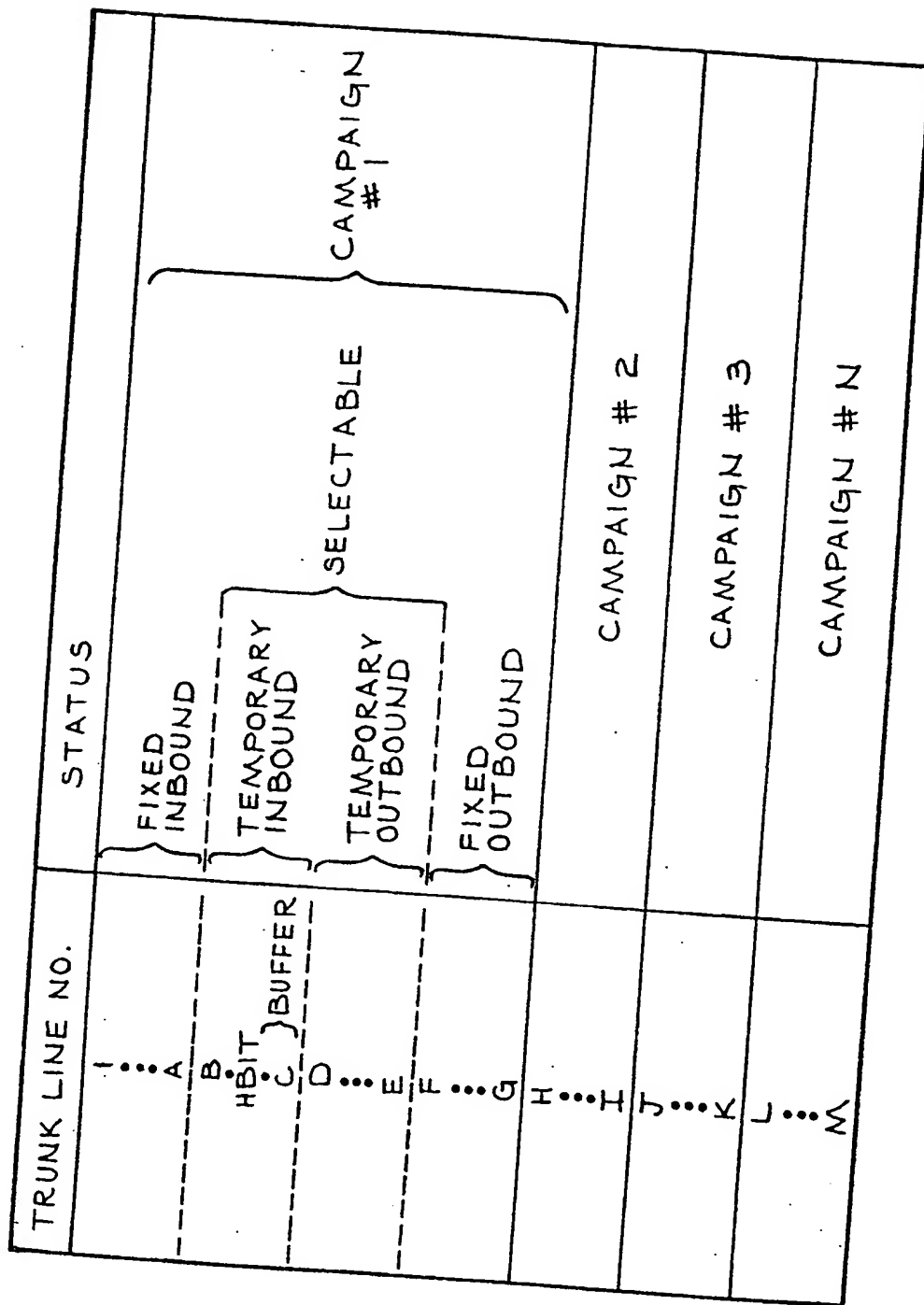
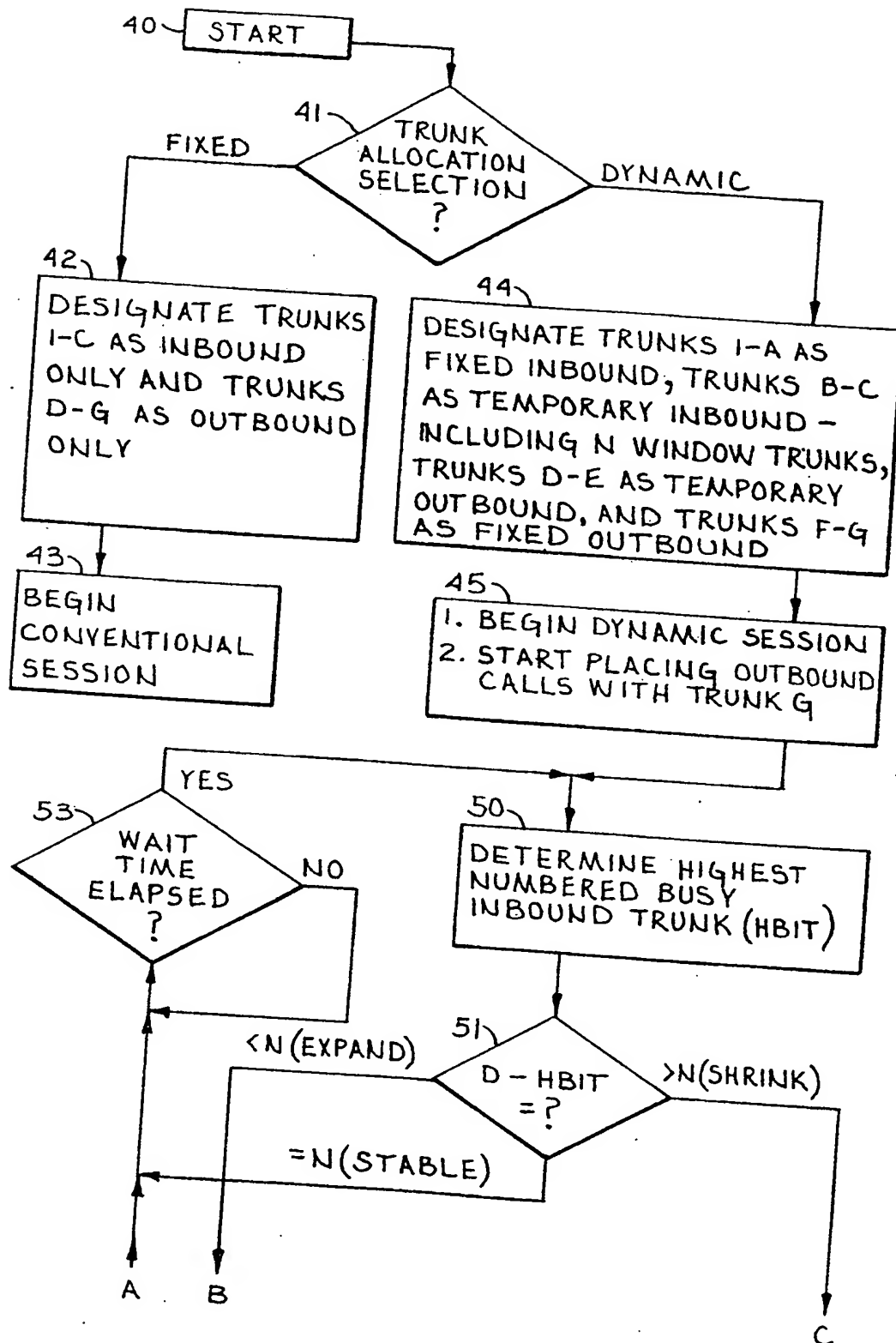
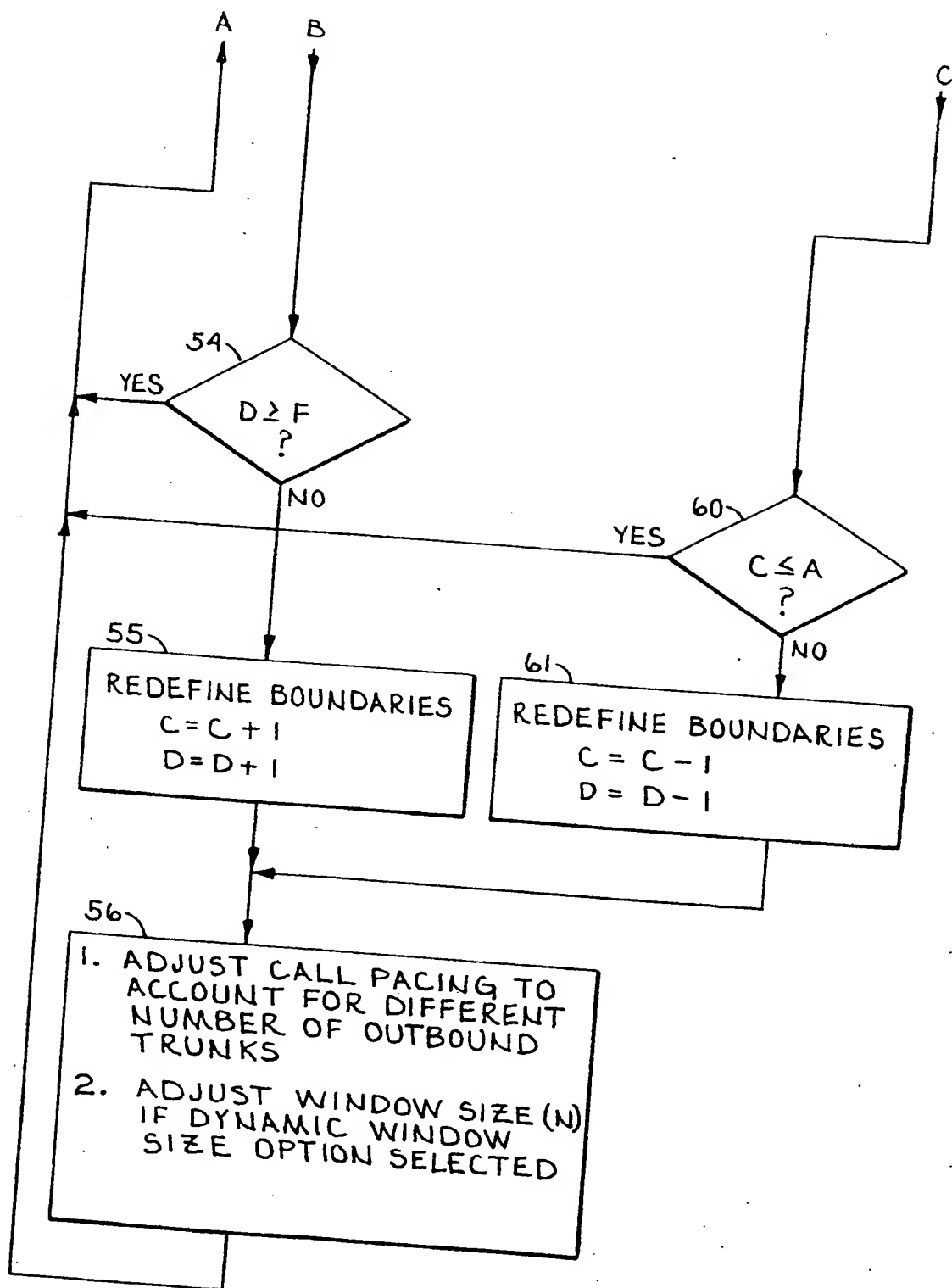
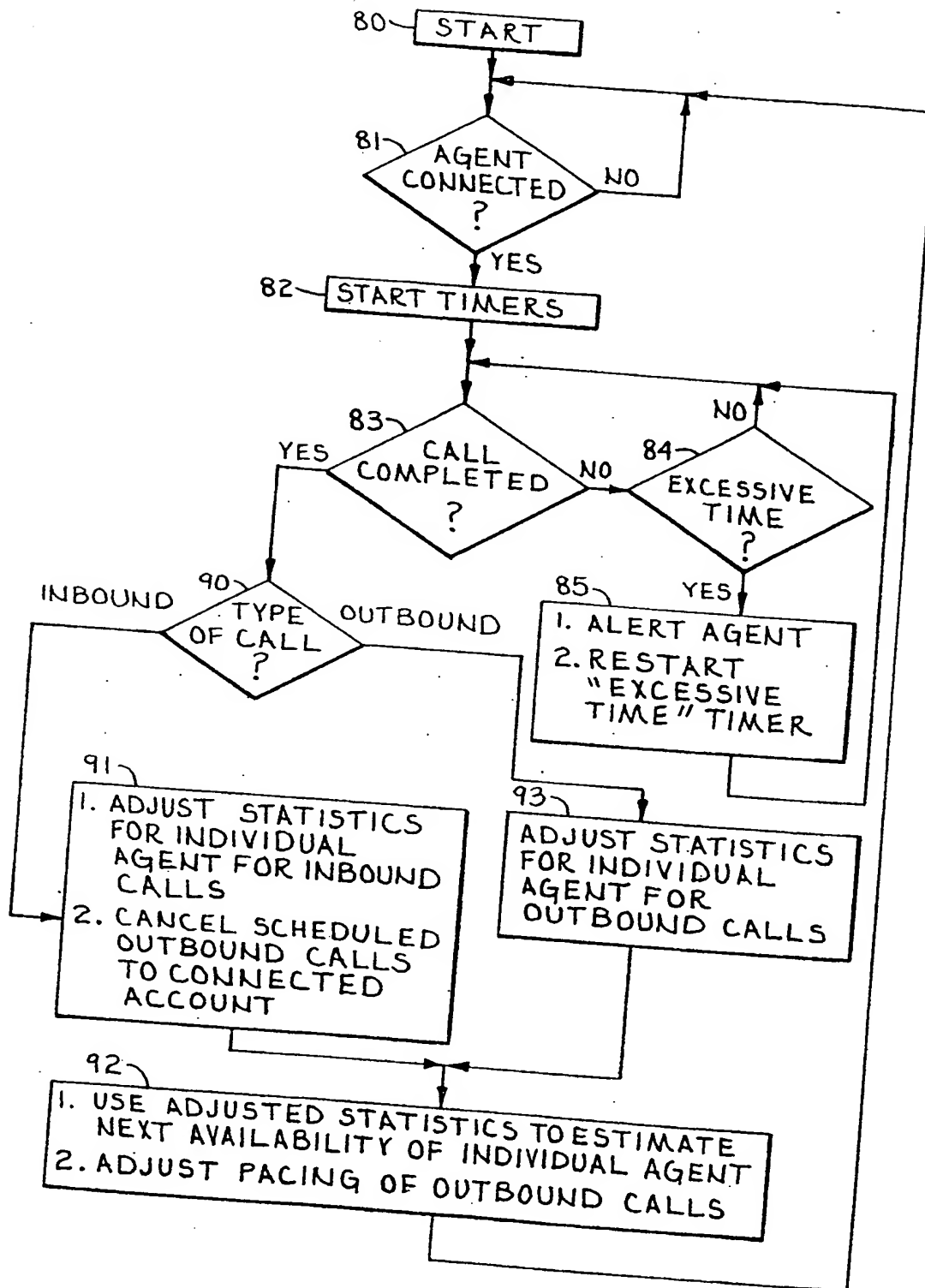


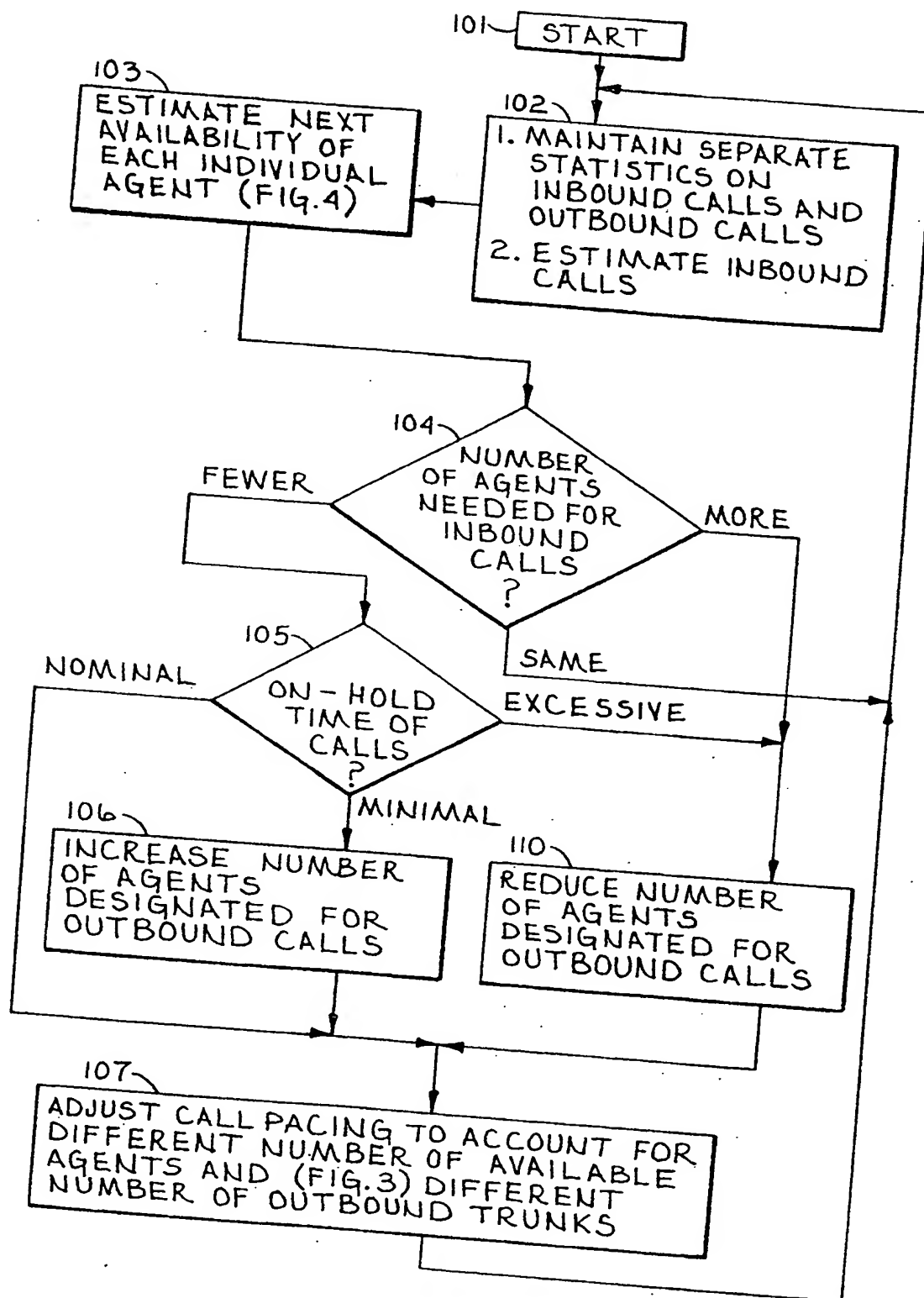
Fig. 2



~~Fig~~ - 3A







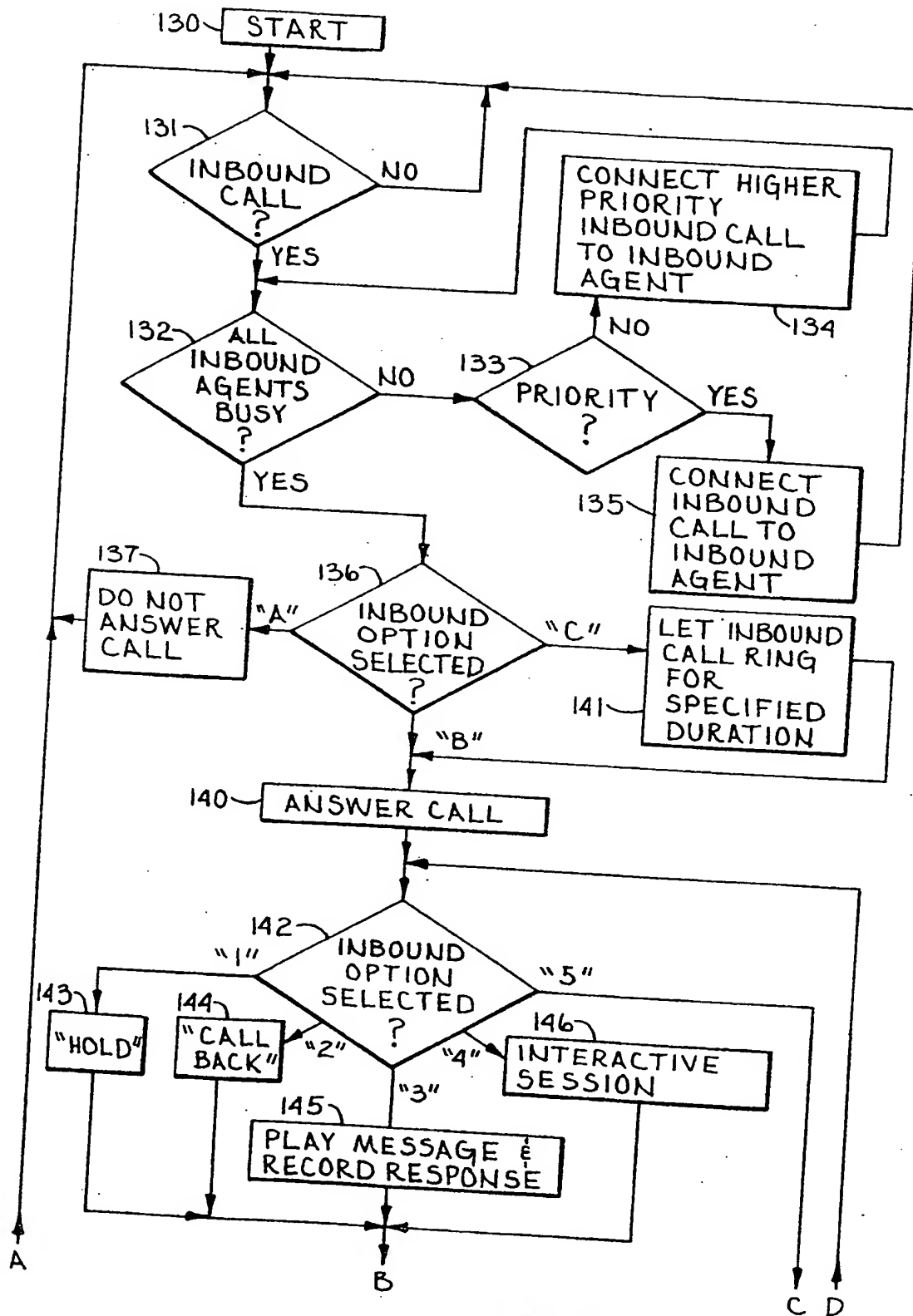


Fig. 6A

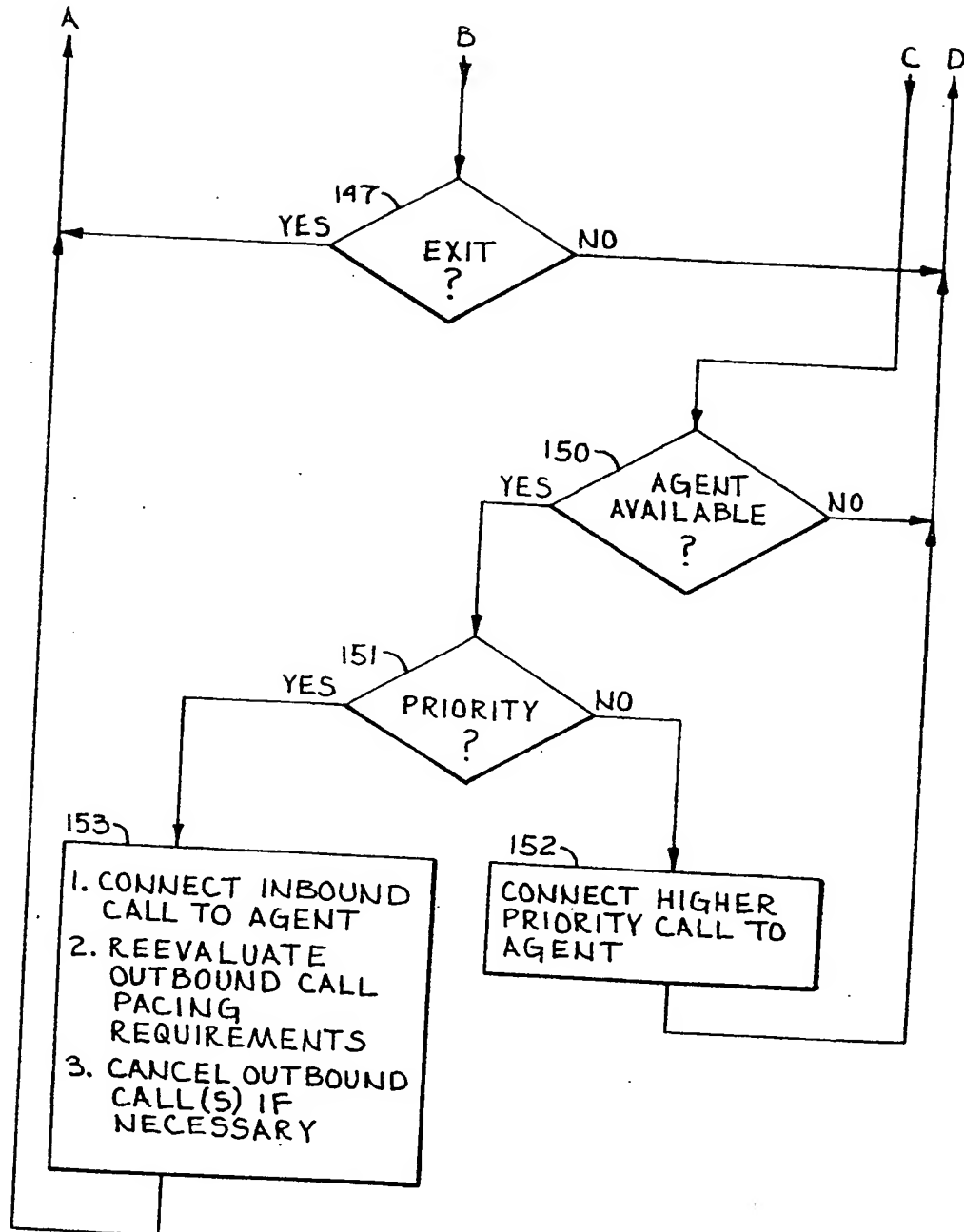


Fig - 6B

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:)	
)	
Aleksander Szlam, James W. Crooks, Jr.,)	
and Dean H. Harris)	
)	Group Art Unit: 2608
Serial No. 09/437,414)	
)	
Filed: November 10, 1999)	
)	
For: METHOD AND APPARATUS FOR)	
DYNAMIC AND INTERDEPENDENT)	
PROCESSING OF INBOUND CALLS)	
AND OUTBOUND CALLS)	

DECLARATION

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

As an above-named inventor, We, Aleksander Szlam, Dean H. Harris and James W. Crooks, Jr., hereby each declare that:

My residence, post office address, and citizenship are as stated below. I believe that I am an original, first and joint inventor of the subject matter which is described and claimed in Letters Patent number 5,214,688 issued on May 25, 1993, and in the foregoing specification, and for which invention have hereby applied for a reissue patent, Serial No. 09/437,414, filed November 10, 1999.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims sought by this reissue application.

I understand that I have a duty of candor and good faith toward the Patent and Trademark Office, and I acknowledge the duty to disclose information which is material to the examination of this reissue application in accordance with Title 37, Code of Federal Regulations, §1.56.

I believe the original patent to be partly or wholly inoperative because of error that arose without any deceptive intention on my part by reason of claiming less than I had a

right to claim. I further declare that all errors corrected by this reissue application arose without deceptive intention on my part. None of the existing claims of the patent are specifically directed to those aspects of my invention involving controlling the placement of outbound calls in response to specific inbound call parameters, controlling the processing of inbound calls in response to specific outbound call parameters, shifting of agents to accommodate the needs of inbound calls or outbound calls, whichever is deemed more important, the handling of outbound calls specifically based on the number of incoming calls which are on hold, the handling of inbound calls specifically based upon a measured parameter of outbound calls, or the specific use of an automatic call distributor (ACD) therefor. I believe that I am entitled to the claims to those aspects of my invention of the scope set forth in newly submitted Claims 74-101.

The error in failing to claim all that I was entitled to claim arose through a belief that the originally-issued claims adequately covered my invention. I still believe that the originally issued claims cover my invention but possible deficiencies in the claims of this patent came to my attention as a result of licensing negotiations with a competitor of the assignee.

These licensing negotiations began on July 22, 1993 by offer of a license to said competitor. A meeting was held with said competitor on April 7, 1994. Letters were exchanged between the attorney for the assignee and the attorney for the competitor before and after that meeting but the need for and terms of a license were not agreed to, and negotiations were terminated in March 1995, with the competitor still refusing to take a license and claiming that the competitor's product was not covered by the claims. I was not part of the licensing negotiations but these possible deficiencies were brought to my attention by the assignee.

Existing claim 1 is for a method for adjusting the rate of placement of outbound telephone calls in response to statistics on both inbound calls and outbound calls. Existing claim 20 is for a method for responding to an inbound call based upon statistics on outbound calls. Existing claim 32 is for a method for placing an outbound call in response to the statistics for an agent for the agent's handling of inbound calls and the agent's handling of outbound calls, and in response to whether that agent is currently on an inbound call or an outbound call. Existing claims 48, 55 and 59 are for an apparatus

that adjusts the rate of placement of outbound telephone calls in response to statistics on both inbound calls and outbound calls. Existing claim 67 is for a method for allocating trunk lines between inbound calls and outbound calls in response to statistics on one of those types of calls. Existing claim 73 is for an apparatus that allocates trunk lines between inbound calls and outbound calls in response to statistics on one of those types of calls. Although it is believed that the existing claims should cover practical implementations of the invention, the existing claims, as described above, do not specifically address controlling the placement of outbound calls in response to specific inbound call parameters, controlling the processing of inbound calls in response to specific outbound call parameters, the shifting of agents to accommodate the needs of inbound calls or outbound calls, whichever is deemed more important, the handling of outbound calls specifically based on the number of incoming calls which are on hold, the handling of inbound calls specifically based upon a measured parameter of outbound calls, or the specific use of an automatic call distributor (ACD) therefor.

New claim 74 is a method for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 74 requires, among other steps: (1) assigning some agents of a plurality of agents to outbound calls; (2) assigning other agents of the plurality of agents to inbound calls; (3) selectably connecting answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (4) if additional agents are needed for the inbound calls then automatically reassigning, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls; and (5) automatically adjusting the rate of placement of the outbound calls in response to the agent being reassigned from outbound calls to inbound calls. These steps are not specifically present in the existing claims.

New claim 75 depends from claim 74, and is a method for moving an agent from the handling of inbound calls back to the handling of outbound calls if fewer agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved back to handle outbound calls instead of inbound calls. There are no existing claims which are specifically directed to adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved from handling inbound calls to handle outbound calls. In particular, claim 75 requires, in addition to the particular steps enumerated above with respect to claim 74, the steps: (1) automatically determining whether fewer agents are needed for the inbound calls; (2) if fewer agents are needed for the inbound calls then automatically reassigning, from inbound calls to outbound calls, at least one agent of the agents assigned to inbound calls; and (3) automatically adjusting the rate of placement of the outbound calls in response to the at least one agent being reassigned from inbound calls to outbound calls. These steps are not specifically present in the existing claims.

New claim 76 is a method for moving an agent from the handling of outbound calls to the handling of inbound calls if the inbound calls have been on hold for an excessive time, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle inbound calls which have been on hold for an excessive time, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 76 requires, among other steps: (1) assigning some agents of a plurality of agents to outbound calls; (2) assigning other agents of the plurality of agents to inbound calls; (3) selectably connecting answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (4) placing the non-selected inbound calls on hold; (5) determining the on-hold time for the inbound calls on hold; (6) if the on-hold time is excessive then automatically reassigning, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls; and (7)

automatically adjusting the rate of placement of the outbound calls in response to the at least one agent being reassigned from outbound calls to inbound calls. These steps are not specifically present in the existing claims.

New claim 77 is a method for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls. In particular, claim 77 requires, among other steps: (1) automatically determining at least one of the average connection time for outbound calls or the hit rate for outbound calls; and (2) if that parameter is excessive then handling a next inbound call by allowing it to ring for a predetermined period before connecting it to an agent, or answering it and placing it on hold, or answering it and conducting an interactive session. These steps are not specifically present in the existing claims.

New claim 78 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls, and then adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 78 requires that the fifth means: (1) assign some agents of a plurality of agents to outbound calls; (2) assign other agents of the plurality of agents to inbound calls; (3) determine a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (4) selectively connect answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; and (5) automatically reassign, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls if additional agents are needed for the inbound calls. This means element and the functions thereof are not specifically present in the existing claims.

New claim 79 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if the inbound calls have been on hold for an excessive time, and then adjusting the rate at which the outbound calls are placed to

compensate for the agent having been moved to handle inbound calls instead of outbound calls. There are no existing claims which are specifically directed to moving agents to handle inbound calls which have been on hold for an excessive time, and adjusting the rate at which the outbound calls are placed to compensate for the agent having been moved to handle inbound calls instead of outbound calls. In particular, claim 79 requires that the fifth means to: (1) assign some agents of a plurality of agents to outbound calls; (2) assign other agents of the plurality of agents to inbound calls; (3) determine a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (4) selectably connect answered outbound calls to the agents assigned to outbound calls and inbound calls to the agents assigned to inbound calls; (5) place the non-selected inbound calls on hold; (6) determine the on-hold time for the inbound calls on hold; and (7) automatically reassign, from outbound calls to inbound calls, at least one agent of the agents assigned to outbound calls if the on-hold time is excessive. This means element and the functions thereof are not specifically present in the existing claims.

New claim 80 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls. In particular, claim 80 requires the fifth means to: (1) automatically determine at least one of the average connection time for outbound calls or the hit rate for outbound calls; and (2) if that parameter is excessive then handle a next inbound call by allowing it to ring for a predetermined period before connecting it to an agent, or answer it and place it on hold, or answer it and conduct an interactive session. This means element and the functions thereof are not specifically present in the existing claims.

New claim 81 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which:

(1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigns other agent work stations of the plurality to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and responds to the detection means detecting answering of the outbound calls by controlling the connections performed by the ACD; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station of the agent work stations assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 82 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to the ACD detecting the inbound calls and the answering of the outbound calls for controlling the connections made by the ACD; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 83 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the

inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to a detection means detecting the answering of an outbound call by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 84 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of the plurality of agent work stations to outbound calls and assigns other agent work stations to inbound calls; (2) determines a rate of placement of the outbound calls in response to the agent work stations being assigned to the outbound calls; (3) causes the ACD to place an outbound call in response to the rate of placement; (4) responds to the ACD detecting the answering of the outbound calls by causing the ACD to connect the answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, at least one agent work station assigned to outbound calls if additional agent work stations are needed for the

inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 85 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and the answering of outbound calls for controlling the connections made by the ACD; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 86 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", which require the ACD to place the outbound calls, which require the ACD to detect the answer of an outbound call, and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes the ACD to place outbound calls in response to the rate of placement; (4) responds to the ACD detecting inbound calls and the answering of outbound calls for controlling the connections made by the

ACD; (5) determines an average connection time for the outbound calls or a hit rate for the outbound calls; and (6) if the determined value is excessive allows a next inbound call to ring for a predetermined period before connecting it to an agent work station, answers a next inbound call and placing it on hold, or answers a next inbound call and conducts an interactive session. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 87 is an apparatus for moving an agent from the handling of outbound calls to the handling of inbound calls if additional agents are needed to handle the inbound calls. There are no existing claims which are specifically directed to moving agents to handle a greater need for inbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other agent work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to agent work stations being assigned to outbound calls; (3) causes the dialing means to place outbound calls in response to the rate of placement; (4) responds to the detection means detecting the answering of outbound calls by causing the ACD to connect an answered outbound call to an agent work station assigned to outbound calls; (5) determines whether additional agent work stations are needed for the inbound calls; and (6) reassigns, from outbound calls to inbound calls, an agent work station if additional agent work stations are needed for the inbound calls. These two elements and the functions thereof are not specifically present in the existing claims.

New claim 88 is an apparatus for the handling of inbound calls based upon a measured parameter of outbound calls. There are no existing claims which are directed to the specific manner of handling of inbound calls based upon a measured parameter of outbound calls, which have the specific element of an automatic call distributor (ACD) instead of a "switching means", and which have the specific element of a controller which: (1) assigns some agent work stations of a plurality of agent work stations to outbound calls and assigning other work stations to inbound calls; (2) determines a rate of placement for the outbound calls in response to the agent work stations being assigned to outbound calls; (3) causes a dialing means to place outbound calls in

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and that all statements made on information and belief are believed to be true; and further that these statement were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon.

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Post Office Address: Same as above

Inventor's Signature: _____

Date: _____

Full name of first inventor: Dean H. Harris
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Inventor's Signature: _____

Dean H. Harris 10/13/2006
Date: _____

Full name of first inventor: James W. Crooks
Citizenship: United States
Residence: 1773 Poinsetta Dr., Marietta GA 30062
Post Office Address: Same as above

Inventor's Signature: _____

Date: _____

In the Claims:

1-92 (Cancelled)

93. (Previously Amended) A method for managing communications, comprising:
processing inbound calls;
processing outbound calls;
obtaining a statistic on said outbound calls; and
adjusting said processing of said inbound calls based upon said statistic.

94. (Previously Amended) The method of claim 93, wherein said step of processing inbound calls comprises connecting said inbound calls to agents; and said step of adjusting said processing comprises reducing the number of said inbound calls which are connected to said agents if said statistic exceeds a predetermined value.

95. (Previously Amended) The method of claim 93, wherein said step of processing inbound calls comprises connecting said inbound calls to agents; said step of obtaining a statistic on

said outbound calls comprises obtaining information on the duration of said outbound calls, and said step of adjusting said processing comprises reducing the number of said inbound calls which are connected to said agents if said duration exceeds a predetermined value.

96. (Previously Amended) A method for managing communications, comprising:
processing inbound calls;
processing outbound calls;
obtaining a statistic on said inbound calls; and
adjusting said processing of said outbound calls based upon said statistic.

97. (Previously Amended) The method of claim 96 wherein said step of processing outbound calls comprises initiating said outbound calls, and said step of adjusting comprises reducing the number of said outbound calls which are initiated if said statistic exceeds a predetermined value.

98. (Previously Amended) The method of claim 96 wherein said

step of processing outbound calls comprises initiating said outbound calls, said step of obtaining a statistic on said inbound calls comprises obtaining information on the duration of said inbound calls, and said step of adjusting said processing comprises reducing the number of said outbound calls which are initiated if said duration exceeds a predetermined value.

99. (Previously Amended) A method for managing communications, comprising:

- providing for the processing inbound calls;
- providing for the processing outbound calls;
- obtaining a statistic on said inbound calls; and
- providing for adjusting said processing of said outbound calls based upon said statistic.

100. (Previously Amended) The method of claim 99 wherein said step of providing for the processing outbound calls comprises initiating said outbound calls, and said step of providing for adjusting said processing comprises reducing the number of said outbound calls which are initiated if said statistic exceeds a predetermined value.

101. (Previously Amended) The method of claim 99 wherein said step of providing for the processing of outbound calls comprises initiating said outbound calls, said step of obtaining a statistic comprises obtaining information on the duration of said inbound calls, and said step of providing for adjusting said processing comprises reducing the number of said outbound calls which are initiated if said duration exceeds a predetermined value.

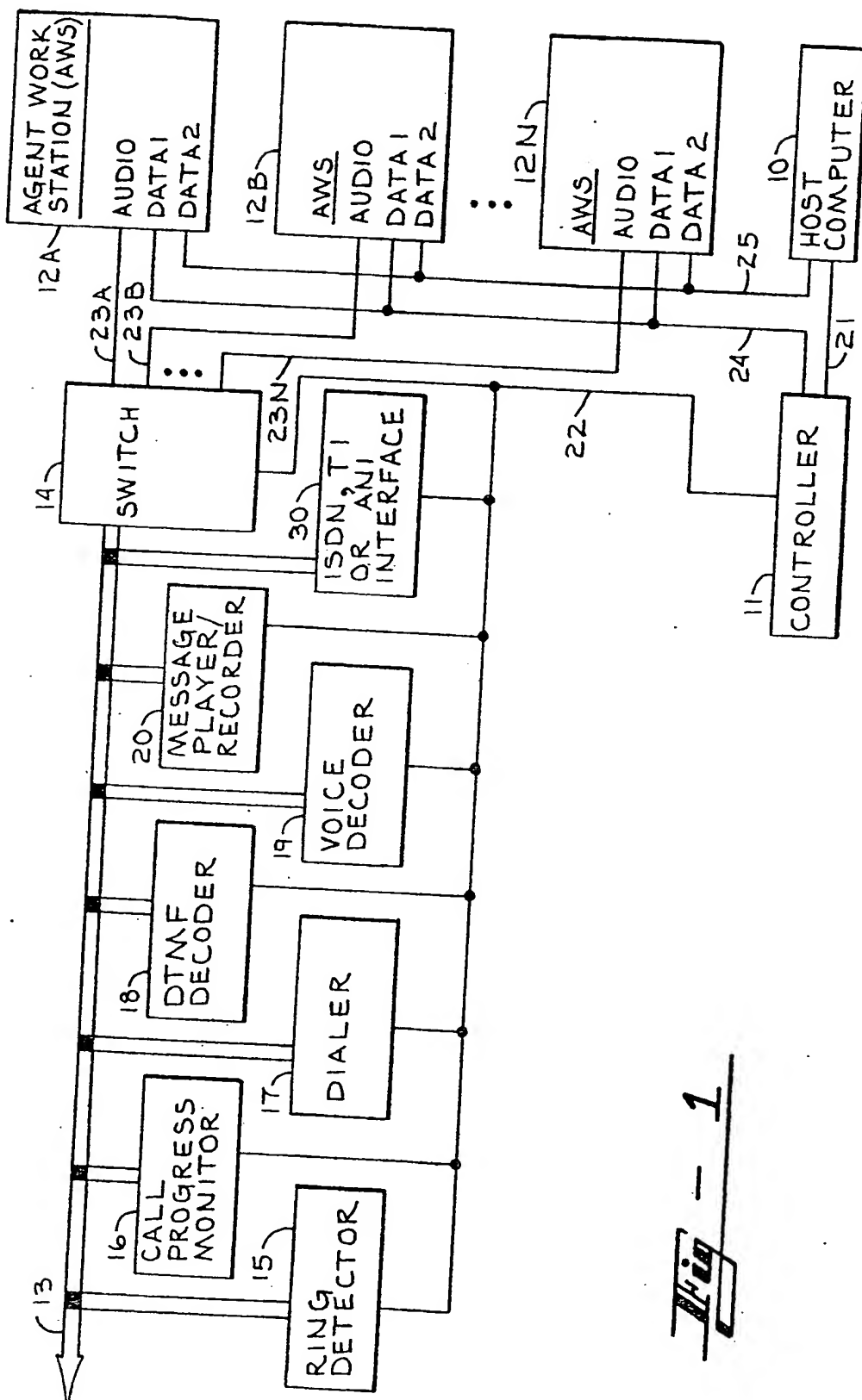


Fig. 1

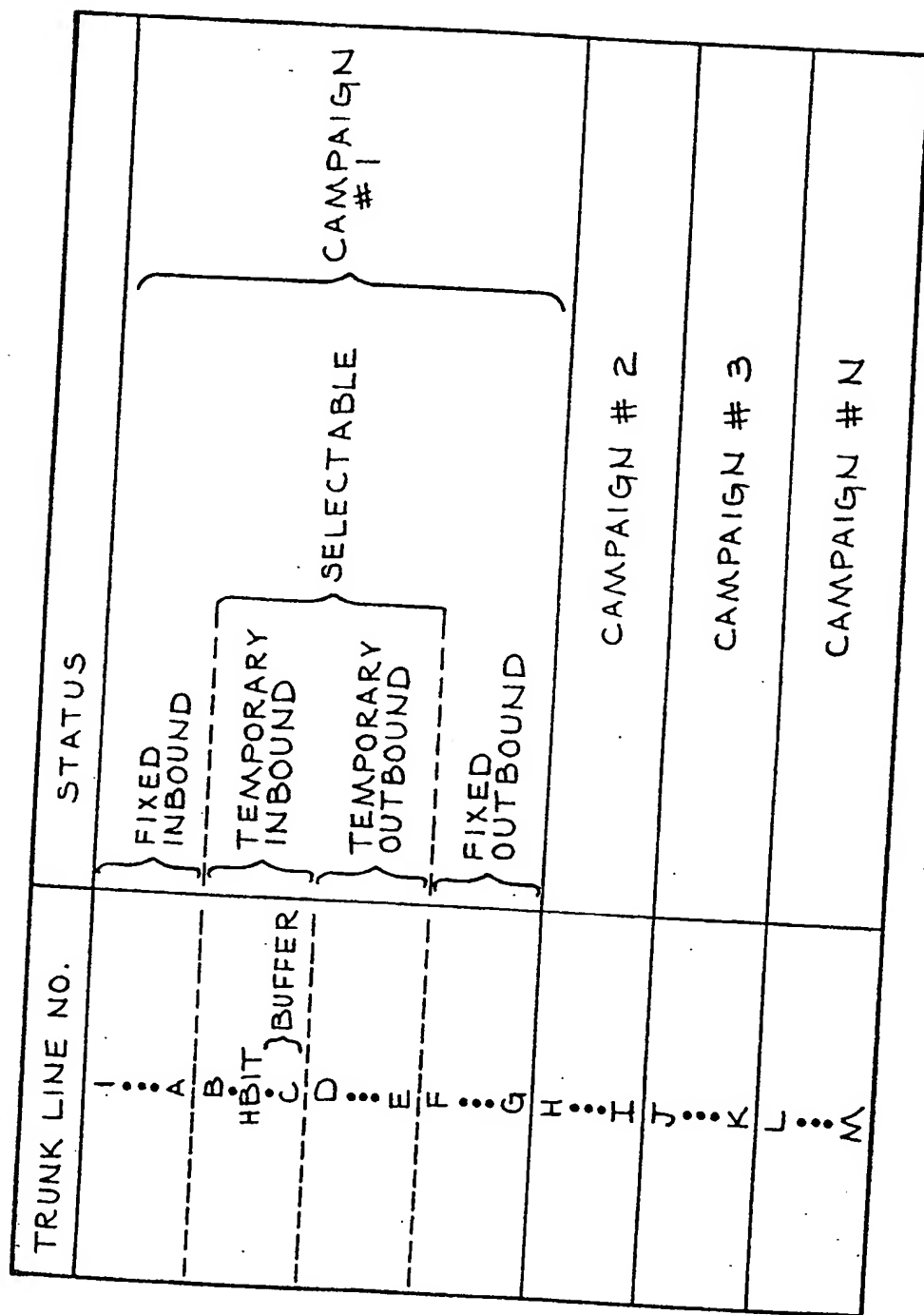


Fig. 2

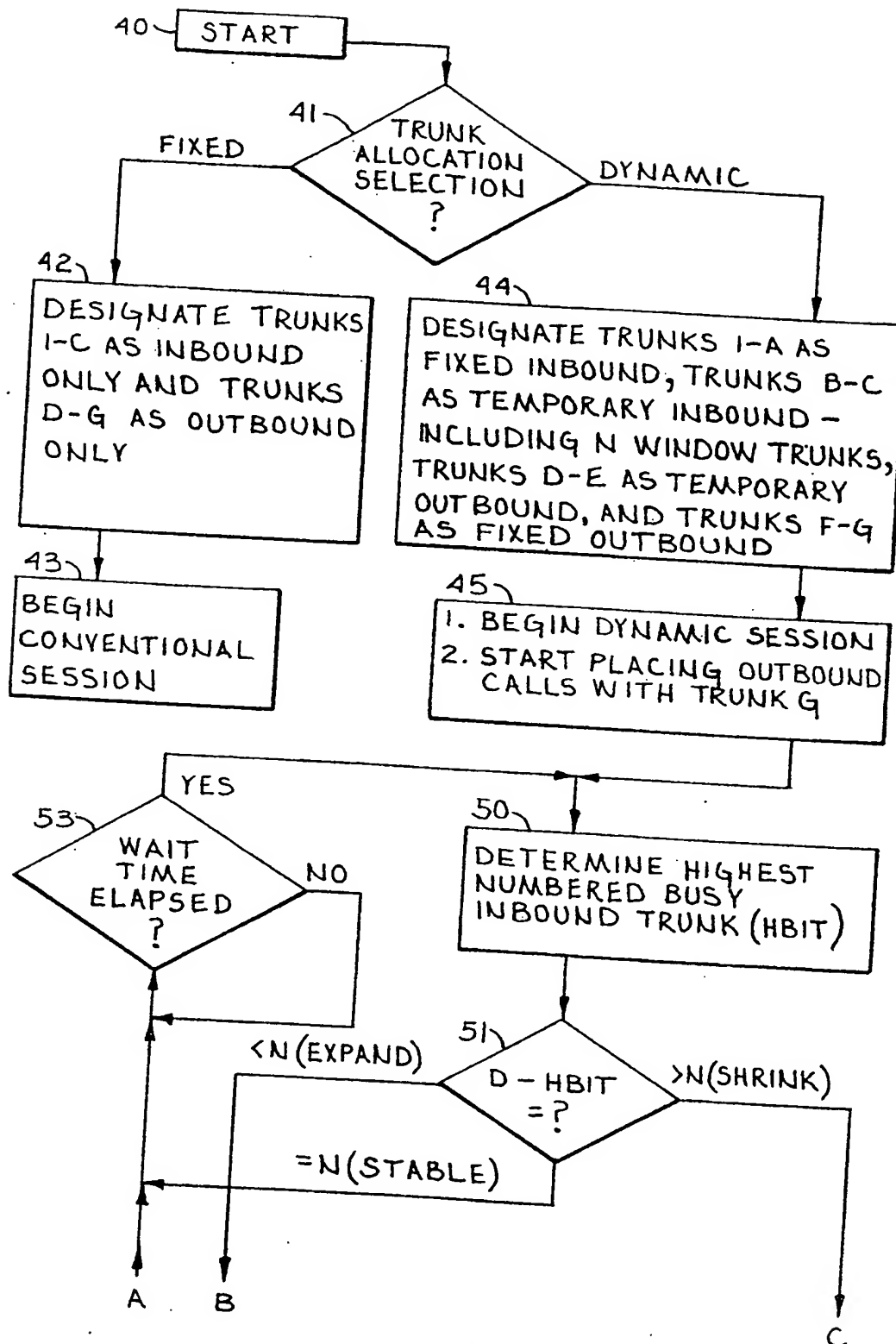
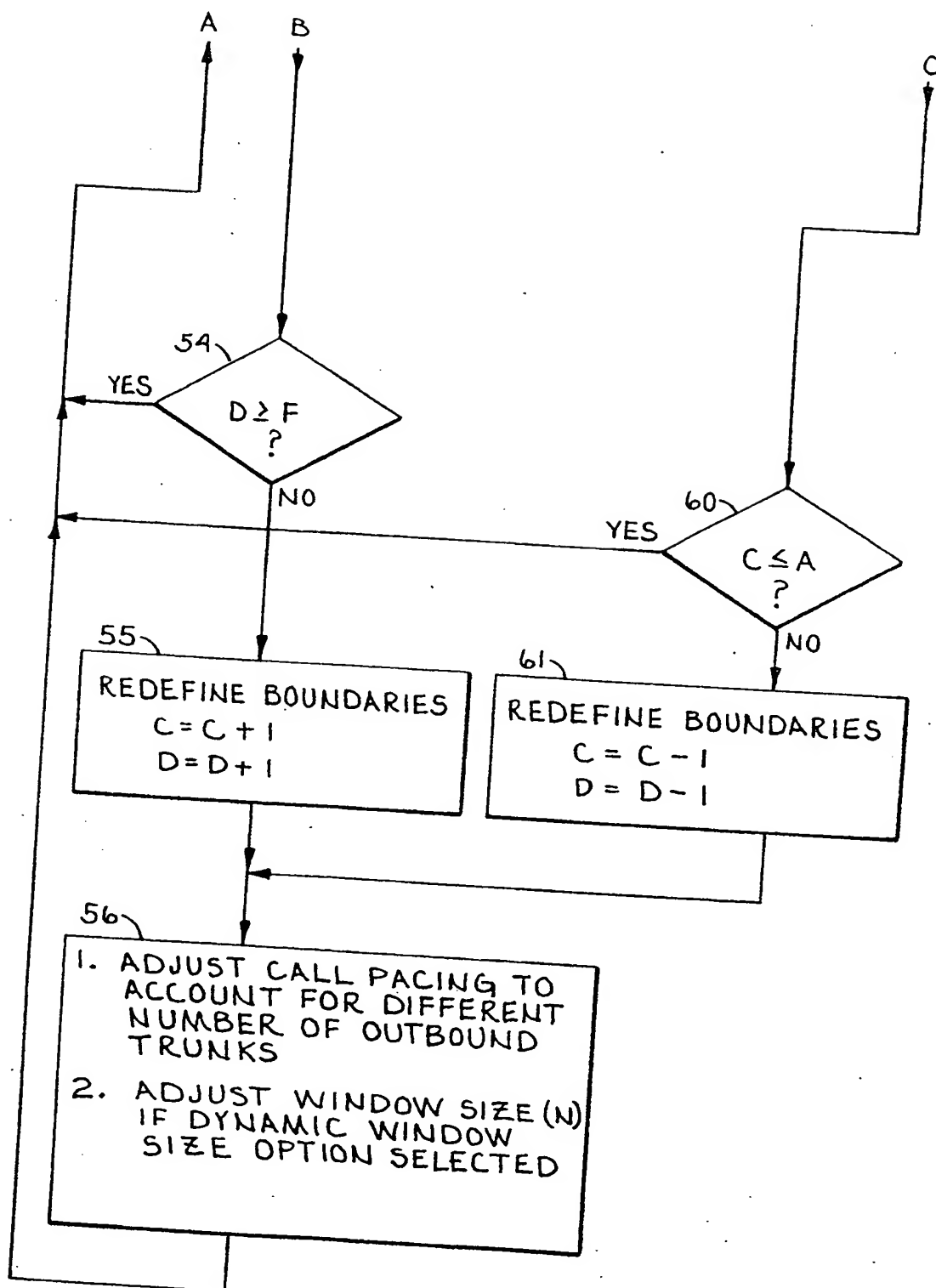
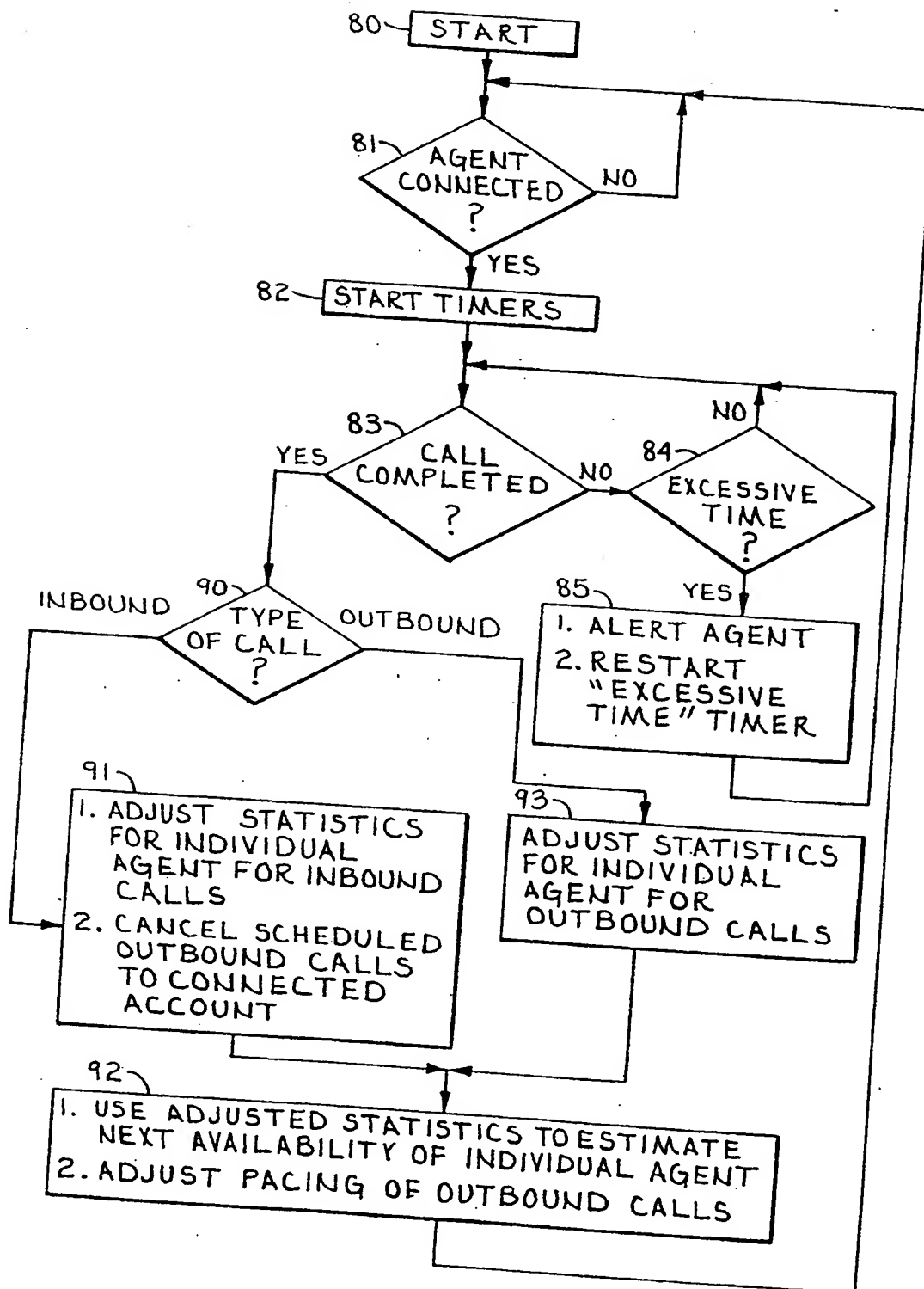
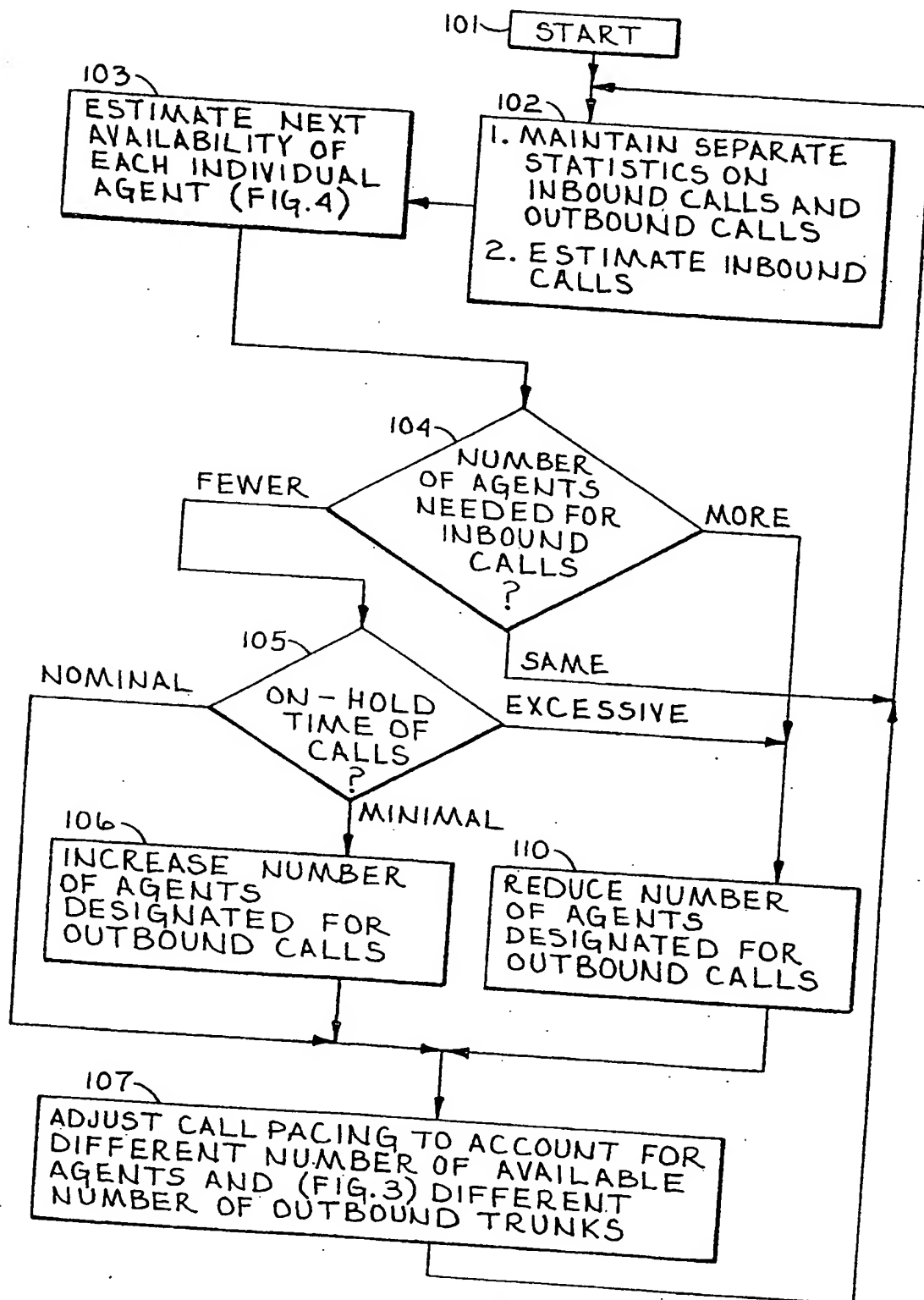


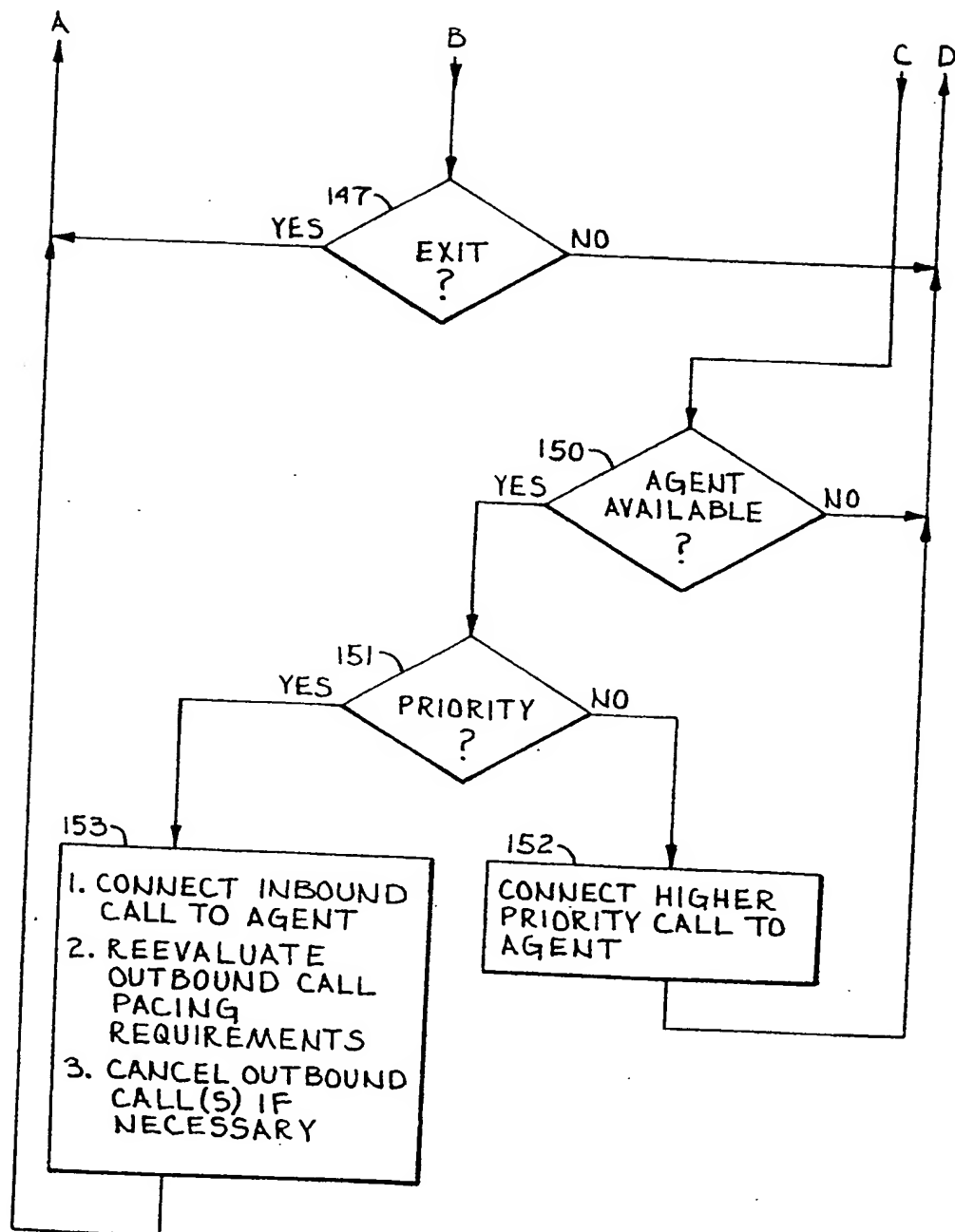
Fig - 3A











King - GB

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